R E P O R T R E S U M E S

ED 003 766 64

STATE LAWS ON AUDIOVISUAL MEDIA OF INSTRUCTION IN PUBLIC SCHOOLS AND ON ESTABLISHMENT OF EDUCATIONAL TELEVISION STATIONS.

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REPORT NUMBER NDEA-VIIB-106-A-2 PUB DATE 31 JUL 62
CONTRACT OEC-2-16-003
EDRS PRICE MF-$0.63 HC-$19.08 477P.

DESCRIPTORS- #AUDIOVISUAL INSTRUCTION, PUBLIC SCHOOLS, #EDUCATIONAL TELEVISION, #AUDIOVISUAL AIDS, #STATE LAWS, INDEXES (LOCATORS), DISTRICT OF COLUMBIA

STATE LAWS AFFECTING THE SELECTION, PURCHASE, AND DISTRIBUTION OF AUDIOVISUAL AIDS AND SERVICES FOR EDUCATIONAL PURPOSES WERE REPORTED. BIBLIOGRAPHIC SEARCHES OF LEGAL AUTHORITIES FROM THE 50 STATES WERE CONDUCTED. REFERENCES TO LAWS, REGULATIONS, AND OTHER LEGAL AUTHORITIES WERE ANALYZED AND CLASSIFIED ACCORDING TO (1) STATE, (2) TYPE OF AUDIOVISUAL MATERIALS, AND (3) SUBJECT CATEGORIES. SOURCES OF INFORMATION INCLUDED STATUTES, SESSION LAWS, SCHOOL CODES, REGULATIONS WITH THE FORCE OF LAW, AND COURT DECISIONS IN THE 50 STATES. STANDARDIZED FORMS WERE DEVELOPED TO SHOW THE AREAS OF STUDY IN WHICH NO AUTHORITY EXISTED AND THE KINDS OF ORGANIZATIONAL STRUCTURES. THESE FORMS WERE DESIGNATED AS PART ONE, EDUCATIONAL ORGANIZATION, PART TWO, GENERAL POWERS AND DUTIES OF ORGANIZATIONS AND OFFICIALS, PART THREE, LEGAL AUTHORITY RELATING SPECIFICALLY TO AUDIOVISUAL MEDIA AND THEIR USE, AND PART FOUR, FUNCTIONAL AND INSTITUTIONAL CATEGORIES OF LEGAL AUTHORITY RELATING TO AUDIOVISUAL MEDIA AND THEIR USE. SUMMARIES WERE ALSO PRESENTED OF (1) STATE LEGISLATION DEALING SPECIFICALLY WITH AUDIOVISUAL AIDS, (2) STATE LEGAL AUTHORITY TO ESTABLISH AND OPERATE EDUCATIONAL TELEVISION STATIONS, AND (3) LAWS AND REGULATIONS FOR USE OF AUDIOVISUAL INSTRUCTIONAL MEDIA IN ELEMENTARY AND SECONDARY PUBLIC SCHOOLS. SUPPLEMENTARY VOLUMES IN THIS SERIES BEAR ACCESSION NUMBERS ED 003 765 AND ED 003 767. (RS)

STATE LAWS ON THE USE OF AUDIO-VISUAL INSTRUCTIONAL AIDS IN THE PUBLIC SCHOOLS

N03

Vol. I Alabama - Missouri

by John W. Connelly, Jr.

Contract OE-2-16-003

July 31, 1962

185 pages

B-106a

U. S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE
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Findings and Discussions on State Laws Dealing with the Use of Audio-Visual Instructional Aids in the Public Elementary and Secondary Schools

Volume I Alabama - Missouri

By

John W. Connelly, Jr.
Contract OE-2-16-003

ED 003766

ALABAMA (1959-60)

Enrollment in full-time public schools:

Elementary	608,563
High school	178,706
Number of school districts (including non-operating)	114
Number of elementary schools	2,173
Number of high schools (including junior high)	1,292
Expenditure per pupil in average daily attendance	$241

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

ALABAMA

County and Independent School Superintendencies

There are 114 school superintendencies in the State, including 35 complete county-unit and 32 partial county-unit superintendencies. The remaining 47 are independent city or town school superintendencies located within the 32 partial county-unit counties.

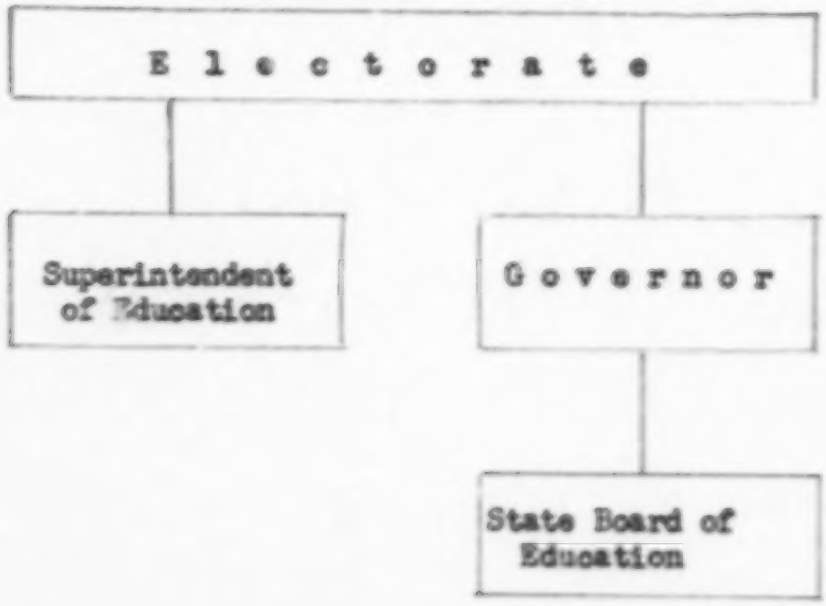
Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 38.

U.S. Dept of Health, Education, and Welfare,

Source: The State and Education (OE-23008), Washington, 1960, p. 45-46.

A L A B A M A

1. State Educational Structure Chart (relating only to elementary and secondary public s



2. State Education Boards

a. Schools ~~and colleges~~

State Board of Education (~~designated the State Board for Vocational Education) (dual purpose board, one which has both regulatory and governing functions~~).--Composed of 11 members, the governor and superintendent of education serving ex officio. Nine members are appointed by the governor subject to senate confirmation, 1 from each congressional district for 6-year overlapping terms....

b. Supplementary programs

State Textbook Committee (advisory).--Composed of 14 members appointed by the State board of education upon nomination of the State superintendent of education, 1 professional educator from each of the 9 congressional districts and 5 from the State at large for 1-year terms. The committee considers the merit of textbooks offered for use in the tax-supported public elementary and high schools of the State and makes recommendations to the State board of education.

Committee on Courses of Study (administrative).--Composed of 14 members appointed by the State board of education for 4-year terms from a list of not less than 25 teachers submitted to the State superintendent of education. The State superintendent is the ex officio chairman of the committee. All members of the committee must remain actively engaged in the public schools or colleges of the State while serving, of whom 4 must be engaged in elementary work and 4 in secondary work. The committee prescribes courses of study for elementary and high schools, defining the minimum content for different kinds and grades of schools. The committee also prepared, or causes to be prepared, for approval and adoption by the State board of education, the compulsory maximum contents of the courses of study for each grade of the elementary and secondary schools.

3. Chief State School Officer

The superintendent of education is a constitutional officer elected by the people for a 4-year term on a partisan ballot. The superintendent must be a graduate of a university or college with recognized ability as a school administrator and at least 5 years' experience in public school work. He is not eligible to succeed himself in office.

7. Coordination of the State Education System Through Structure

The State board of education and the State superintendent of education are jointly responsible for the coordination of the public elementary and secondary education program, and of the vocational education and vocational rehabilitation program.

8. Coordination of the State Education System Through Ex Officio Memberships

The superintendent of education serves ex officio on boards or commissions of the (a) State board of education...(h) State Textbook Committee, (i) Committee on Course of Study, ...

The governor serves ex officio on boards or commissions of the (a) State board of education,...

9. Fiscal Coordination

Five State education agencies submit their budgets to the State budget officer. They are the (a) State board of education (State department of education budget), ... These budgets are not changed by the budget officer or by the governor, who compiles them for inclusion in the State budget presented to the legislature. The governor in his message may recommend changes in the budget requests for any agency.

ALABAMA

All references are to "Public School Laws of the State of Alabama, Annotated," Reprinted fromCode of Alabama, Recompiled, 1958 and 1959 rocket Parts.

Constitutional provisions

Art. XI of the Constitution of Alabama of 1901, in Sec. 216, sets forth certain municipalities given the right to levy special taxes to be applied exclusively for educational purposes and to be expended under their respective boards of public school trustees.

> Johnson v. Sheffield, 236 Ala. 411, 183 So. 265 held: In absence of any specific direction the municipality may apply revenues in any manner not inconsistent with charter provisions.
> (This article has been amended by Article XIX, Special School Tax Amendment, authorizing the several counties in the state and the several school districts of any county in the state to levy and collect special taxes for "public school purposes." (Amendment III)

Art. XIV, Sec. 260 sets forth power of the legislature to apply income derived from certain revenue funds to the "support and maintenance of the public schools" and to also apply to this purpose funds derived from special annual taxes which it is empowered to levy and collect.

Art. XIV, Sec. 262, provides: "The supervision of the public schools shall be vested in a superintendent of education, whose powers, duties, and compensation shall be fixed by law."

> (Code provisions relating to superintendent of education will by found in Tit. 52, Sec. 41 et seq.)

Art. XIV, Sec. 269, empowers the several counties to levy and collect a special tax "for the support of public schools," provided the rate of the tax, the time it is to continue, and its purpose shall have been first submitted to a vote of the qualified electors of the county.

(Amendment III revised upwards the rate of tax)

(Above are references to Constitution of Alabama and amendments.)

ALABAMA

SUMMARY

In 1953, the Alabama Legislature passed an act, which subsequently became law and was incorporated into the school laws as Chapter 42, Sections 627 through 632, of Title 52, establishing the Alabama Educational Television Commission, "for the purpose of making the benefits of educational television available to and promoting its use by inhabitants of Alabama." (Section631).

The Commission (AETC) has been operating since that time and has apparently been responsible for a great many educational programs available to the general viewing public in Alabama, one of the purposes for which it was created. A recent report (no date) states that the programs are originated by several public education institutions under contract with the AETC. Equal program origination time is allotted to Auburn University, the University of Alabama, and the Birmingham Area Educational Television Association. The two University's studios are operated with funds appropriated by the State Legislature. The Birmingham association is supported by the six Jefferson County public school systems. A brochure ("1961-1962 TV in-School Course Descriptions") sets forth the programs available during classroom hours. Apparently, to take advantage ofthe programs the classroom (or school) need only have the physical apparatus (TV sets) and a teacher who can see that the TV presentation has full meaning. It is conceivable that some advance preparation or training is necessary on the part of the teachers.

This much educational television is, then available in Alabama. It still remains within the purview ofthe state and local boards of education and superintendents of educationto prescribe these studies and provide the TV sets necessary, along with other techniques for ~~xxxxxxxx~~ audio-visual aids in instruction. No specific authority was found mentioning audio-visual aids as such. However, there is ample authority, both at the state and local levels, for prescribing, financing, acquiring by contract, gift or otherwise, and, in general, providing audio-visual aids in the public schools. Presumably, these existing authorities wouldhave to be invoked to enable the schools to actually take advantage of programs offered through ETV in Alabama or to use, in any other way, audio-visual aids of other types.

Where general authority hasbeen found, such authority is cited under topics numbered in accordance with the list of classifications set forth in the "Preliminary Report." Other topics (underscored but not numbered) have been listed where deemed helpful to complete the picture. Underscoring for emphasis is supplied in all cases.

mbs

ALABAMA

(All references are to Title 52, The Code of Alabama, Recompiled, 1958, unless otherwise stated.)

Organization of schools below the state board of education, authority of officials

The state superintendent of education shall explain the true intent and meaning of the school laws, and of the rules and regulations of the state board of education and decide controversies involving the proper administration of the public school system. (Section 44) The state superintendent of education shall have authority to review actions and oders of county and city boards of education and of county and city superintendents of schools in matters relating to finance and other matters seriously affecting the educational interest. (Section 47) However, Sections 44 and 47 do not require state superintendent to review all actions of county board (Harman v. Ide, 224 Ala. 414, 140 So. 418.)

The general administration and supervision of the public schools and of the educational interests of each county, with the exception of cities having a city board of education, is vested in the county board of education (Section 62), consisting of five members elected by the qualified electors of the county (Section 63). The effect of this section is a delegation to the county board of complete control of the educational affairs of the county, to be exercised in their discretion, except as limited by law. (Rep. Atty. Gen., 1934-36, pp. 263,265.) The county board of education shall prescribe, on the written recommendation of the county superintendent of education, courses of study (Section 67). The county superintendent of education (may be elected, Section 105, or the county board may select the superintendent, Section 108. The county superintendent shall recommend to the county board educational policies to promote the educational interests of the county (Section 114) and, subject to rules and regulations of the state board of education, may prescribe courses of study for approval and adoption by county board (Section 120).

Cities (incorporated municipalities of 2500 or more inhabitants, Section 148) shall have the general administration and supervision of the public schools and educational interests of the city vested in a city board of education (Section 151) which may appoint a city superintendent of schools to hold office at the pleasure of the board. The city superintendent shall explain the true intent and meaning of the school laws and of the rulesand regulationsof the city board of education and the state board and shall decide controversies (Section 179) He shall also prepare courses ofstudy for approval and adoption by the city board (Section 186, The city board of education shall have the full and exclusive rights within the revenue appropriated for such purposes to purchase real estate furniture, fuel and supplies for the use ofthe schools and to make contracts in relation to such matters (Section 161). Vacancies in the city board are filled by election by the city council (Section 152).

In addition to the above school organization, a 1959 law (1959, 2nd Ex.Sess., No. 39, appvd. Aug. 10, 1959) added Section 197, with subsections (1) through (21) to the school laws providing for the establishment of Independent School Districts where the qualified electors so choose. "Any area in the state of Alabama may withdraw from the school system of which it is now a part and become organized as an independent school district and governed and managed as to educational matters by its own district board of education, separate and apart from any other school system in the state of Alabama, by following the procedures hereinafter provided for inthis chapter."(Section 197(1). Once established, such districts function somewhat as cities(Section 197(24)).

ALABAMA

(All references are to Title 52, The Code of Alabama, Recompiled, 1958, unless otherwise stated.)

Organization of Department of Education

Section 2 sets up a department of education which is under the direction of the state superintendent of education with the advice and counsel of the state board of education.

Section 3 states, "The duties of the department of education shall be, through its personnel, to assist in executing the policies and procedure authorized by law and by regulations of the state board of education."

Section 6 sets up the composition and term of office of members of the board of education. It is to be composed of the governor, the state superintendent of education, and one member from each congressional district to be appointed by the governor and confirmed by the senate for terms of six years.

Section 14 sets forth the general powers of the board of education, as follows: "The state board of education shall exercise, through the state superintendent of education and his professional assistants, general control and supervision over the public schools of the state ... and shall consult with and advise through its executive officer and his professional assistants, county boards of education, city and town boards of education, superintendents of schools, school trustees, attendance officers, principals, teachers, supervisors, and interested citizens, and shall seek in every way to direct and develop public sentiment in support of public education."

Other pertinent activities of department of education

Section 21 provides that the state board of education shall conduct investigations relating to the educational needs of the state, and the means of improving educational conditions. It may employ additional expert assistance for such investigations if needed, and appoint such agents for special investigations.

Section 27 provides that the state board of education shall consider the educational needs of the state, and on and with the advice of the state superintendent of education, shall recommend to the governor and to the legislature additional legislation or changes in existing legislation.

1. Audio-visual aid legislation and regulations

Alabama -

From: The Code of Alabama, Recompiled, 1958, Title 52, Schools.

(The following material is listed first as it may be all-inclusive and supercede other authority for AV aids as found in other sections of the Alabama Code:) Chapter 42.

Sec. 627 creates an agency to be known as the Alabama educational television commission, hereinafter called the commission. (Appvd. June 15, 1953).

Sec. 628 concerns membership, appointment, terms, vacancies, per diem and expenses. "No member of the commission shall hold any other office of profit and trust under the United States, the state of Alabama, or any political subdivision thereof..."

Sec. 629. "Members not to have financial interest in facilities; removal.--(a) No member of the commission shall have any financial interest in any facilities such as the commission is authorized to deal with. (b) Members of the commission may be removed from office upon impeachment on the grounds and in the manner prescribed in section 173 of the Constitution of Alabama."

Sec. 630. "Organization; officers; rules and regulations; agents.--Promptly after their appointment the commissioners shall meet to organize. At such meeting they shall choose from their number a president, a secretary and such other officers as they deem necessary. Thereafter officers shall be elected annually. The commission shall adopt rules regulatingthe conduct of its meetings and the transaction of the business of the commission, and may appoint such agents and employees as it deems necessary, or may delegate to one or more ofits members, officers, agents or employees such powers and duties as it deems proper."

Sec. 631. "Duties.--The commission is organized for the purpose of making the benefits of educational television available to and promoting its use by inhabitants of Alabama, and to this end it is hereby empowered and directed to survey, study and appraise the need for an over-all plan for the use of television facilities available for non-commercial educational use in the state. The commission is specifically charged with the duty of controlling and supervising the use of channels reserved by the federal communications commission to Alabama for non-commercial, educational use. It may designate the location of stations to utilize such channels and make rules and regulations governing the operation of such stations and the programs televised over such channels. The commission may own and operate television stations to utilize these channels, or it may contract with individuals, corporations, educational institutions, or other governmental agencies for the operation of such stations."

Sec. 632. "Contracts; acceptance of gifts.--The commission is hereby authorized to execute all contracts and other instruments necessary and convenient to carry out the mandates of this chapter. It may accept gifts or grants of money or property, real or personal, and voluntary and uncompensated services from any person, federal or other governmental agency, board of education, educational institution or commercial or industrial enterprise."

(It might be of value to secure any reports available on the operation of this commission since its inception.)

ALABAMA

(All references are to Title 52, The Code of Alabama, Recompiled, 1958, unless otherwise stated.)

2. Planning the use of AV aids

Section 631, cited above under Topic 1 of this study, "Audio-visual aid legislation and regulations," could be used as authority for planning AV aids, but such authority is apparently outside the school system and in the hands of the Alabama educational television commission.

Authority for in-school planning could be found in the provisions setting forth g the general powers of the board of education (Section 14) and power of the state superintendent to call conferences of all lesser school officials "on matters relating to the condition, needs and improvements of the schools" (Section 45).

ALABAMA

(All references are to Title 52, The Code of Alabama, Recompiled, 1958, unless otherwise stated.)

3. Preparing curricula

Section 17 provides that the state board of education, on the recommendation of the state superintendent of education, shall prescribe the minimum contents of courses of study for all public elementary and high schools in the state, and shall fix the maximum number of books which are compulsory in each grade of the elementary schools. In every elementary school there shall be taught at least reading, spelling, handwriting, arithmetic, oral and written English, geography, history of the United States and Alabama, elementary science, hygiene and sanitation, physical training, and such other studies as may be prescribed by the state board of education.

Section 403 again states that the state board of education, on the recommendations of the state superintendent of education, hall prescribe the minimum contents of courses of study for all public, elementary and high schools in the state, and shall fix the maximum number of books which are compulsory in each grade.

Section 407 requires the state board of education, on the recommendation of the state superintendent of education, to appoint a committee to be known as the committee on courses of study, having the duty to make a comprehensive study of the courses taught in the public elementary and high schools of the state, to prepare the contents of the courses of study and to submit recommendations to the statesuperintendent of education.

Section 408 reiterates the subjects which shall be taught, together with "such other studies as may be prescribed by the state board of education."

ALABAMA

(All references are to Title 52, The Code of Alabama, Recompiled, 1958, unless otherwise stated.)

4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

Section 433(6) (cited above under Topics 7 and 8) would seem to be applicable. In that section, the state textbook committee has "authority to recommend other instructional materials which in its opinion will improve the instructional program or when requested to do so by the state board of education." Authority to "recommend" could possibly include authority to publish necessary lists and "other instructional materials" could conceivably include audio-visual materials.

Section 377 requires the state superintendent of education, with the advice of the director of the department of archives and history, to compile and publish a list of books from which the libraries shall be chosen. Where audio-visual materials are within the purview of the library authorities this directive to the state superintendent could include publishing lists of such materials as well as books, although not specifically stated in the law.

ALABAMA

(All references are to Title 52, The Code of Alabama, Recompiled, 1958, unless otherwise stated.)

5. Organizing AV units

No specific provisions (unless those relating to AETC could be considered pertinent.) General provisions (cited under "Organization ofschools," above) would have to be relied on.

ALABAMA

(All references are to: Title 52, The Code of Alabama, Recompiled, 1958, unless otherwise stated.)

6. Conferring on AV use outside of State educational structure.

Section 631 would seem to be in point. "The commission /Alabama Educational Television Commission/ is organized for the purpose of making the benefits of educational television available to and promoting its use by inhabitants of Alabama, and to this end it is hereby empowered and directed to survey, study and appraise the need for an over-all plan for the use of television facilities available for non-commercial educational use in the state."

ALABAMA

(All references are to Title 52, The Code of Alabama, Recompiled, 1958, unless otherwise stated.)

7. Selecting AV aids
8. Selecting textbooks

Section 433(1) sets up a state textbook committee to consider the merits of textbooks and to make recommendations to the state board of education. In making such recommendations, the textbook committee is to consider any recommendations made by the committee on courses of study or by the state superintendent of education.

Section 433(6) provides that the state textbook committee shall also "have authority to recommend other instructional materials which in its opinion will improve the instructional program or when requested to do so by the state board of education.

Section 433(7) provides that the state board of education shall have full power to provide for textbooks and to contract with publishers. It is further "authorized and empowered to purchase any copyright when by so doing a more advantageous contract can be secured in behalf of the patrons of the public schools of the state and to x use such funds as may be necessary for this purpose from appropriations made for the purchase of state-owned textbooks and/or instructional materials."

Section 433(10) provides that county boards of education shall have authority to provide for the distribution oftextbooks within the county, by agreement with the state board of education, and provided the county will undertake and guarantee to distribute such textbooks at the same or a lower price than the x state board can furnish them. The same arrangement is available with the xxx board of education of a city or municipality.

Section 433(12) provides that in cities of a population of forty thousand or more xxxxxxxxxxinhabitants furnishing their own free textbooks, the board of education, upon the recommendation of the city superintendent of schools and the approval of the state board of education, may use books other than those prescribed by the state board of education.

ALABAMA

(All references are to Title 52, The Code of Alabama, Recompiled, 1958, unless otherwise stated.)

9. Acquiring AV aids and school supplies equipment and textbooks

Section 433(15) provides that any funds appropriated for the purpose of furnishingstate-owned textbooks in the public schools shall be expended, first, for the purpose of furnishing state-owned adopted textbooks in grades 1 to 6, second, for the payment of the expense of administration of the textbooks; and the remainder ofthe funds, if any, to be used for purchasing and furnishing other state-adopted textbooks and other instructional materials.

ALABAMA

(All references are to Title 52, The Code of Alabama, Recompiled, 1958, unless otherwise stated.)

10. Financingacquisition (Financing schoolsand acquxisition of supplies and equipment

Chapter 10 of Title 52, Sections 198 through 296, deals in detail with raising, apportionment and disbursement of public school funds. Section 215 provides that any county board of education or city board of education may issue and sell interest bearing tax anticipation warrants for the purpose of paying costs of erecting, acquiring, constructing, improving, equipping, etc., school buildings. Sections 246 through 274 relate to special taxes for school purposes voted upon by qualified electors at the county level. Article 10, Sections 279 through 296, provides that the director of the department of finance, the commissioner of the department o revenue and the state superintendent of education may become a public corporation with authority to borrow money in anticipation of proceeds of minimum program fund appropriation to assist boards of education in paying current expenses.

Section 513 establishes the Alabama Education Authority, a public corporation to acquire buildings,including sites and equipment therefor by means of anticipating those portions ~~parkiana~~ of the state sales tax and the state use tax that are required by law to be paid into the Alabama special educational trust fund and pledging such anticipated portions of future taxes as security for bonds to be issued by the corporation for present construction and equipment of school buildings. The Section specifically states, "This chapter shall be liberally construed in conformity with the said purpose." (Approved Aug. 24, 1959).

ALABAMA

(All references are to Title 52, The Code of Alabama, Recompiled, 1958, unless otherwise stated.)

11. Regulating use of AV aids and keeping statistics on use and using personnel

No specific provisions. Section 74 giving the county superintendent of education control and supervision of the public school system of the county and Section 73 requiring the county board of education to prescribe rules and regulations for the conduct and management of the schools would seem to cover, at the county level, any regulations necessary in using AV aids or other educational equipment. The annual report (Section 92) would also seem to be the proper vehicle for listing statistics on personnel using AV equipment. The state department of education is provided (in Section 51) with any needed clerical and professional assistants. This could conceivably include technical experts or assistants in the field of AV equipment.

ALABAMA

(All references are to Title 52, The Code of Alabama, 1958, unless otherwise stated.)

12. Distributing AV aids

No specific provisions. Authority could be found under provisions listed under Topic8 "Selecting textbooks" and 9, "Acquiring AV aids."

ALABAMA

(All references are to Title 52, The Code of Alabama, Recompiled, 1958, unless otherwise stated.)

13. Producing AV aids

No specific code provisions. Refer to citations re Alabama educational television commission (Secs. 627 through 632). As a matter of practice, programs are originated by several public education institutions under contract with the AETC, using funds provided by the legislature. /See comments under Summary./

ALABAMA

(All references are to Title 52, The Code of Alabama, Recompiled, 1958, unless otherwise stated.)

14. Certificating teachers

Section 20 provides that the state board of education, through its executive officer, shall prescribe rules and regulations governingthe training and the certification of teachers in the publicschools of the state and for the acceptance of the diplomas of the normal schools, colleges and universities of Alabama, as well as of other states, also the subjects and the standards of teachers' examinations. The state board of education, with the advice of the state superintendent of education, shall have full power and authority to promulgate and adopt rules and regulations governingthe issuance ofprofessional and special certificates.

Section 322 reads: "No person shall be employed in the public schools of the state as county superintendent of education, city superintendent of schools, assistant superintendent, supervisor, principal, teacher, or attendance officer, unless such person shall holda certificate issued by the state superintendent of education.

Section 323 provides that "All matters relating to the issuance, extension and renewal of certificates ..... shall be subject to the rules and regulations of the state board of education. It shall be the duty of the state superintendent of education to submit for the approval ofthe state board of education from time to time rules and regulations governingthe issuance, renewal and extension of certificates on examinations or on credentials, including transcripts of applicants' records, diplomas or training-in-service courses carried on under county superintendents of education and city superintendents of schools, approved by the state superintendent of education."

Section 324 provides that "The minimum requirements for the lowesttype of certificate of administration and supervision shall be on credentials showingat least graduation from a standard four years teachers' college or equivalent professional and academic education, and proof ofthree years of successful teaching experience during the five years next preceding issuance of the certificate..."

Section 325 provides that all examinations for teachers' certificates shall be upon uniform questions prepared and sent out by the state superintendent of education.

Section 326 requires that the certificates granted be based upon credentials showing the academic and professional trainingof the applicants, or issued on the basis of examination of the applicants, "as may be authorized and prescribed under rules and regulations approved by the state board of education..."

Section 339 provides: "As a means of stimulatingthe improvement of teachers in service in the public schools of the state, institutes shall be held annually, one or more in each county or for a group of counties, at such times and at such places as the state superintendent of education, after advisements with the county superintendent of education shall direct... The character of instruction shall be such asto promote the best interest of the schools...."

Sections 340, 341, 342, and 343 have to do with the fact that attendance at institutes is compulsory, not permissive.

Section 344 states, "As a further means of improving teachers in service

14. Certificating teachers (Cont'd.)

the county superintendent of education or the city superintendent ofschools shall arrange for and conduct conferences in convenient centers at which round tables shall be conducted upon the courses of study, on the work of the state teachers' reading circle, or on problems of instruction, supervision and administration."

Section 345 provides that persons attending conferences be given appropriate recognition by the state board of education "toward the renewal and extension of certificates..."

Section 346 provides for additional training-in-service courses and activities in the state normal schools or teachers' colleges.

ALABAMA

(All references are to Title 52, The Code of Alabama, Recompiled, 1958, unless otherwise stated.)

15. Prescribing qualifications of using personnel

Under Section 50, the state superintendent of education, acting under the rules and regulations of the state board of education, is responsible for the administration of the department of education and has general supervision of the professional and clerical assistants of the department. Personnel using AV equipment could conceivably come within this category and the superintendent of education would also appear to be responsible for prescribing the qualifications of such personnel.

/At the teacher level, sections referred to under Topic 14, "Certificating teachers," might be applicable./

ALABAMA

(All references are to Title 52, The Code of Alabama, Recompiled, 1958, unless otherwise stated.)

16. Accrediting schools

Section 347 provides that for the purpose ofsetting up standards for the preparation of teachers, the state board of education shall authorize and prescribe minimum requirements and courses of study.

Section 348 provides that it shall be the duty ofthe state superintendent of education, or his professional assistants, "to exercise general supervision over the teacher-training institutions under the control ofthe state board of education. The state superintendent of education, together with the presidents of the state normal schools or teachers' colleges under the control of the state board of education, and the deans or directors of the schools of education in the state-supported institutions of higher learningshall constitute an advisory council on teacher-training."

Section 438 provides that the state board of education shall have the control and management of teachers' colleges of the state.

ALABAMA

(All references are to Title 52, The Code of Alabama, Recompiled, 1958, unless otherwise stated.)

17. Federal aid to schools

Section 23 provides that the state board of education may accept for the state of Alabama any appropriation of money for the removal of illiteracy, ... and for other educational purposes which may hereafter be made out of the federal treasury by any acts of congress. The state board of education is made the chief educational authority for the expenditure and administration of such funds and the state treasurer is designated custodian.

Section 199(1) authorizes the state treasurer to accept from the federal government any allocation of federal funds appropriated by the congress of the United States for the purpose of assisting the state in financing a minimum foundation program of public elementary and secondary schools, and in reducing inequalities of educational opportunities through public elementary and secondary schools, and "for the general welfare and other purposes." The statement is included: "The treasurer is hereby required to make the necessary reports; provided that any or all such acceptances or conditions shall not be contrary to the Constitution of Alabama."

Section 199(2) designates the state board of education the state agency to administer, distribute, and supervise expenditure of any such federally-granted funds.

ALABAMA

(All references are to Title 52, The Code of Alabama, Recompiled, 1958, unless otherwise stated.)

18. Private aid to schools.

Section 39 gives authority to the state board of education to administer "as it deems to the best interest of the schools or school for the benefit of which the donation or gift is made" any property, money or thing of value donated for the benefit of the elementary schools or a particular school.

ALABAMA

(All references are to Title 52, The Code of Alabama, Recompiled, 1958, unless otherwise stated.)

19. Library programs

Section 377 provides that the state superintendent of education, with the advice of the director of the department of archives and history, shall compile and publish a carefully selected and annotated list of books from which the libraries shall be chosen, and shall also adopt and publish rules and regulations for the choice of books, their use,preservation andcirculation, the erection of book shelves or book cases, and the equipment of library rooms or buildings, and the training of librarians or custodians for the libraries.

Section 378 provides that the county superintendent of education and trustees of the school to which a library has been granted shall constitute a library board charged with the administration of the library as other school property.

ALABAMA

(All references are to Title 52, The Code of Alabama, Recomp iled, 1958, unless otherwise stated.)

20. Research Programs

Section 21 provides "The state board of education shall conduct investigations relating to the educational needs of the state, and the means of imp roving educational conditions. It may employ additional expert assistance for such investigations if needed, and appoint such agents for special investigations." This section seems to provide the necessary authority for instigating research programs related to the school s and such programs could include investigations into audio-visual aid techniques.

In addition, Section 631 setting forth the duties of the Alabama educational television commission specifically empowers it to "survey, study and appraise" the use of television facilities for non-commercial educational use in the state. While the commission apparently handles "non-commercial educational" television both for adults and all viewers outside the classroom, it could also survey classroom prdgram needs.

ALABAMA

(All references are to Title 52, The Code of Alabama, Recompiled, 1958, unless otherwisestated.)

Budget considerations

Section 236 sets up the requirement of a budget system for the public schools of each county and city in the state. Each county and city board of education is to submit, on or before the first of October ~~first~~ of each year, to the state superintendent of education the annual budget to beadopted by each such county and city board of education. The budget is to be prepared in accordance with the classifications and items specified on forms provided (presumably by the state board of education) and in accordance with the regulations of the state board of education.

The comptroller, or such state official as may be charged by law with the responsibility of estimating the income from the various state revenue measures, is to certify to the state superintendent of education the income estimated to be available during the succeeding fiscal year to meet the various appropriations for the public elementary and high schools of the state. The state superintendent is to estimate the amount of each of these funds to be apportioned to each of the school systems of the state during the next fiscal year (Section 238).

The county and city treasurers are to certify in writing through the county or city superintendent of education the expected amount of school taxes to be derived from assessed ~~x~~ valuations during the ensuing year (Sec. 239).

Section 241 gives the county or city superintendent of education, with the approval of his board, authority to make, during the fiscal year, "such changes within the budget as are deemed desirable."

Section 243 gives the county or city board of education authority to borrow money in anticipation of the current revenues for that fiscal and to pledge those current revenues for payment of loans if funds on hand are not sufficient to pay the salaries of teachers and to meet the current expenses when due. (There are several citations following this section dealing with interpretations of "current expense" but none pertinent to the study at hand.)

PRECEDING PAGES MISSING - Parts I + II

State: Alabama

Source of information unless otherwise stated: Public School Laws of the State of Alabama, Recompiled, 1958 and 1959 Pocket Parts

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

Alabama Educational Television Commission

Sec. 627. Created.--There is hereby created an agency to be known as the Alabama educational television commission, hereinafter called the commission. (1953, p.124, Sec. 1, appvd. June 15, 1953.)

Sec. 628. Membership; appointment; terms; vacancies; per diem and expenses.--The commission shall consist of five members, who shall be residents and qualified electors of the state of Alabama, no two of whom shall reside in the same congressional district. No member of the commission shall hold any other office of profit or trust under the United States, the state of Alabama, or any political subdivision thereof. The first five members of the commission shall be appointed by the governor with the advice and consent of the senate, within fifteen days after the passage and approval of this chapter. One member shall be appointed for ten years, one for eight years, one for six years, one for four years, and one for two years. Their successors shall be appointed by the governor with the advice and consent of the senate for terms of ten years. Commissioners shall be eligible for reappointment. If a vacancy occurs at a time when the senate is in session the governor shall, with the advice and consent of the senate, appoint another commissioner for the unexpired term. If such vacancy occurs when the senate is not in session the governor shall appoint a commissioner who shall take office immediately, but his appointment shall be subject to confirmation by the senate at the next session of the legislature. If the appointment of such commissioner is confirmed by the senate he shall serve the remainder of the unexpired term. Each member of the commission shall be entitled to receive $25.00 for each day actually engaged in the performance of his duties, not to exceed $1,200.00 in any one year, plus an allowance for expenses for official travel in the state, not to exceed $10.00 for each day he is entitled to compensation, and the actual cost of his transportation and no more. In the event a member uses a privately owned automobile for official travel, he shall receive six cents per mile for each mile actually traveled in attending meetings of the commission and in the performance of his official duties. (1953, p. 124, sec. 2, appvd. June 15, 1953.)

State: Alabama

Part III - continued (2)

Sec. 629. Members not to have financial interest in facilities; removal.--(a) No member of the commission shall have any financial interest in any facilities such as the commission is authorized to deal with. (b) Members of the commission may be removed from office upon impeachment on the grounds and in the manner prescribed in section 173 of the Constitution of Alabama. (1953, p. 125, sec. 2 1/2, appvd. June 15, 1953.)

Sec. 630. Organization; officers; rules and regulations; agents. --Promptly after their appointment the commissioners shall meet to organize. At such meeting they shall choose from their number a president, a secretary and such other officers as they deem necessary. Thereafter officers shall be elected annually. The commission shall adopt rules regulating the conduct of its meetings and the transaction of the business of the commission, and may appoint such agents and employees as it deems necessary, or may delegate to one or more of its members, officers, agents or employees such powers and duties as it deems proper. (1953, p. 125, sec. 3, appvd. June 15, 1953.)

Sec. 631. Duties.--The commission is organized for the purpose of making the benefits of educational television available to and promoting its use by inhabitants of Alabama, and to this end it is hereby empowered and directed to survey, study and appraise the need for an over-all plan for the use of television facilities available for non-commercial educational use in the state. The commission is specifically charged with the duty of controlling and supervising the use of channels reserved by the federal communications commission to Alabama for non-commercial, educational use. It may designate the location of stations to utilize such channels and make rules and regulations governing the operation of such stations and the programs televised over such channels. The commission may own and operate television stations to utilize these channels, or it may contract with individuals, corporations, educational institutions, or other governmental agencies for the operation of such stations. (1953, p. 125, sec. 4, appvd. June 15, 1953.)

Sec. 632. Contracts; acceptance of gifts.--The commission is hereby authorized to execute all contracts and other instruments necessary and convenient to carry out the mandates of this chapter. It may accept gifts or grants of money or property, real or personal, and voluntary and uncompensated services from any person, federal or other governmental agency, board of education, educational institution or commercial or industrial enterprise. (1953, p. 125, sec. 5, appvd. June 15, 1953.)

State: Alabama

Source of information unless otherwise stated: Public School Laws of the State of Alabama, Recompiled, 1958 and 1959 Pocket Parts.

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject. Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes — 2. Planning the use of AV aids

(a) Sec. 631
(b) Secs. 14 and 45

Yes — 3. Preparing curricula

(b) Secs. 17, 403, 407, and 408

Yes — 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

(b) Secs. 377, 433(6)

No — 5. Organizing AV units and cooperative activities

Yes — 6. Conferring on AV use outside of State educational structure

(a) Sec. 631
b) Implied for AV

State: Alabama

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)

(b) Secs. 433(1), (6), (7), (10), (12)

Yes 8. Selecting textbooks (and observing academic freedom)

(a) Secs. 433(1), (6), (7), (10), (12)

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

Sec. 433(15)

Yes 10. Financing acquisition by rent or purchase

(b) Secs. 215, 246 through 274, 279 through 296, 513.(1)+(7)

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel

(b) Secs. 74, 73, 92, 51

Yes 12. Distributing AV aids

(b) See Topics 8 and 9 above.

Yes 13. Producing AV aids

(b) Secs. 627 through 632.

Yes 14. Certificating teachers and AV professionals

(a) Secs. 20, 322, 323, 324, 325, 326,

(b) Secs. 339 through 346

Yes 15. Prescribing qualifications of using personnel

(b) Sec. 50

State: Alabama

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

(b) Secs. 347, 348, 438, 16, 53

Yes 17. Building or remodeling schools to facilitate AV use

Secs. 15, 215, 513(7)

Yes 18. Federal aid to schools

(a) Secs. 23, 199(1), 199(2)

Yes 19. State aid to schools

Secs. 236, 238, 239, 241, 243, 198 through 296, 279 through 296

Yes 20. Private aid to schools

(b) Sec. 39

Yes 21. Library programs

(a) Secs. 377-378, 376

Yes 22. Research programs

(a) Sec. 21
(b) Sec. 631

Yes 23. Institutes

Sec. 339 through 343

Yes 24. Other established procedures

Secs. 14, 344

State: Alabama

PART IV _ continued (4)

Topic 2 - Planning the use of AV aids

Sec. 631 specifies the duties of the Alabama Educational Television Commission (see Part III). The authority given by this section could be used for planning AV aids. There is no like authority in the school system structure.

Authority for in-school planning could be found in the provisions setting forth the general powers of the board of education, Sec. 14, and power of the State superintendent to call conferences of all lesser school officials "on matters relating to the condition, needs and improvement of the schools", Sec. 45.

Topic 3 - Preparing curricula

Secs. 17 and 403 provide that the State Board of Education, on the recommendation of the State Superintendent of Education, shall prescribe the minimum contents of courses of study for all public elementary and high schools in the state, Secs. 17 and 408 state the required courses for elementary schools plus such other studies as may be prescribed by the State board.

Sec. 407(1) and 407(3) requires the State board, on the recommendation of the State superintendent, to a committee to be known as the committee on courses of study, having the duty to make a comprehensive study of the courses taught in the public elementary and high schools of the state, to prepare the contents of the courses of study and to submit recommendations to the State superintendent.

Topic 4 - Advising subordinate units

Sec. 433(6) provides that the State Textbook Committee has authority to recommend other instructional materials which in its opinion will improve the instructional program or when requested to do so by the State board.

Sec. 377 requires the State superintendent with the advice of the Director of the Department of Archives and History, to compile and publish a list of books from which the libraries shall be chosen.....

Topic 5 - Organizing AV units

No specific provisions (unless those relating to AETC could be considered pertinent). General provisions (powers of the various organizations) would have to be relied on.

Topic 6 - Conferring on AV use outside of State educational structure

Sec. 631 states that the purpose of the Alabama Educational Television Commission, is to make available the benefits of educational television and to promote its use by inhabitants of Alabama. To this end it is empowered and directed to survey, study and appraise the need for an over-all plan for the use of television facilities available for non-commercial educational use in the State.

State: Alabama

PART IV - continued (5)

Topic 7 - Selecting AV aids

See Topic 8 (infra).

Topic 8 - Selecting textbooks

Sec. 433(1) sets up a State textbook committee to consider the merits of textbooks and to make recommendations to the State board.....and the committee shall also recommend other instructional materials which in its opinion will improve the instructional program or when requested to do so by the State Board, Sec. 433(6).

Sec. 433(7) authorizes the State Board to provide for textbooks and to contract with publishers. The State Board is to use such funds as may be necessary for this purpose from appropriations made for the purchase of state-owned textbooks and/or instructional materials.

Sec. 433(10) authorizes the county boards to distribute the textbooks.....the same applies to the boards of education of the various cities and municipalities.

Sec. 433(12) provides that cities over forty thousand that furnish their own free textbooks, may through their board of education on recommendation of the city superintendent, subject to approval by the State Board, use books other than those prescribed by the State Board.

Topic 9 - Acquiring AV aids, school supplies, equipment and textbooks

Sec. 433(15) provides that any funds appropriated for the purpose of furnishing State-owned textbooks in the public schools shall be expended, first, for the purpose of furnishing State-owned adopted textbooks in grades 1-6; second, for the payment of the expense of administration of the textbooks; and the remainder of the funds, if any, to be used for purchasing and furnishing other State-adopted textbooks and other instructional materials.

Topic 10 - Financing acquisition

Chapter 10 of Title 52, Sections 198 through 296, deals in detail with raising, apportionment and disbursement of public school funds. Sec. 215 provides that any county board of education or city board of education may issue and sell interest-bearing tax anticipation warrants for the purpose of paying costs of.....equipping school buildings.

Sec. 513(1) establishes the Alabama Education Authority. Its purpose is to acquire.....equipment for school buildings by issuing its bonds in anticipation of receipt of revenues appropriated and pledged, Sec. 513(7).

State: Alabama

PART IV - continued (6)

Topic 11 - Regulating use of AV aids

Sec. 74 giving the county superintendent control and supervision of the public school system of the county and Sec. 73 requiring the county board to prescribe rules and regulations for the control and management of the schools would seem to cover, at the county level, any regulations necessary in using AV aids or other educational equipment.

The required annual report, Sec. 92, would seem to be the proper vehicle for listing statistics on personnel using AV equipment. Sec. 51 provides the State Department of Education with any needed clerical and professional assistants. This could include technical experts or assistants in the field of AV equipment.

Topic 12 - Distributing AV aids

See Topic 8 (supra), specifically Sec. 433(10).

Topic 13 - Producing AV aids

The sections (627-632) creating the Alabama Educational Television Commission, cited in Part III would be relevant.

A recent report (no date) states that educational programs are originated by several public education institutions under contract with the AETC, using funds provided by the legislature.

Topic 15 - Certificating teachers

Sec. 20 - The State board through the State superintendent shall prescribe rules and regulations governing the training and the certification of teachers in the public schools of the State..... The board also has full power and authority to promulgate and adopt rules and regulations governing the issuance of professional and special certificates.

Sec. 322 provides that administrators and teachers of the public school system shall hold a certificate issued by the State superintendent.

Sec. 323 provides that all matters relating to issuance, extension and renewal of certificates.....shall be subject to the rules and regulations of the State board. It is the duty of the State superintendent to submit for the approval of the State board rules and regulations governing the above items.

Sec. 324 prescribes the minimum requirements for a certificate of administration and supervision.

Sec. 325 provides that all examination of teachers' certificates shall be upon uniform questions prepared and sent out by the State superintendent.

State: Alabama

PART IV - continued (7)

Sec. 326 requires that the certificates granted be based upon credentials showing the academic and professional training of the applicants, or issued on the basis of examination of the applicants.....

Sec. 339-345 - See Topics 23 and 24 (infra). Sec. 346 provides for additional training in-service courses and activities in the State normal schools or teachers' colleges.

Topic 15 - Prescribing qualifications of using personnel

Under Sec. 50, the State superintendent, acting under the rules and regulations of the State board, is responsible for the administration of the Department of Education and has general supervision of the professional and clerical assistants of the department. Personnel using AV equipment could conceivably come within this category and the superintendent would also appear to be responsible for prescribing the qualifications of such personnel.

At the teacher level, the sections referred to under Topic 14 (supra), might be applicable.

Topic 16 - Accrediting schools

Sec. 16 - The State board shall prescribe rules and regulations for the grading and standardizing of public schools. Such rules are prepared by the State superintendent for adoption by the State board, Sec. 53.

Sec. 347 provides that the State board shall authorize and prescribe requirements and courses of study for the purpose of setting up standards.....

Sec. 348 provides that the State superintendent has supervisory control over teacher training in the State.

Sec. 88 gives above power to county board to be exercised in the county.

Topic 17 - Building or remodeling schools

Sec. 15 - The State board shall adopt rules and regulations for the proper construction of school buildings.....

Sec. 513(7) empowers the Alabama Education Authority to acquire buildings, including sites and equipment, (5) to provide for the construction, reconstruction, alteration, and improvement of public school and college facilities.....

Sec. 215 - The county board may issue and sell interest bearing warrants for the purpose of paying costs of erecting, acquiring, constructing, improving, equipping.....school buildings.

State: Alabama

PART IV - continued (8)

Topic 18 - Federal aid

Sec. 23 provides that the State board may accept for the State of Alabama any appropriation of money for the removal of illiteracy .....and for other educational purposes which may hereafter be made out of the federal treasury by any acts of congress.

Sec. 199(1) authorizes the State treasurer to accept from the federal government any allocation of federal funds appropriated by the Congress of the United States for the purpose of assisting the State in financing a minimum foundation program of public elementary and secondary schools.....provided that any or all such acceptances or conditions shall not be contrary to the Constitution of Alabama.

Sec. 199(2) designates the State board as the State agency to administer, distribute and supervise expenditure of any federally-granted funds.

Topic 19 - State aid

Sec. 236 provides that there shall be a budget system for the public schools of each county and city in the State for the purpose of promoting economy and efficiency in the finances of said public schools.....each county and each city board of education shall prepare and submit to the State superintendent the annual budget to be adopted by each county and city board of education, which budget shall be prepared and submitted according to the classifications and items specified on forms provided therefor and in accordance with the regulations of the State board.....no county or city board shall approve any budget for operation of the school for any fiscal year which shall show expenditures in excess of means estimated to be available by the various State and other officials required in Secs. 238 and 239.

Sec. 238 - The State Comptroller is charged with the duty of estimating the income from the various State revenue measures. He shall certify to the State superintendent the income estimated to be available during the next fiscal year to meet the various appropriations for the public elementary and high schools of the State. The State superintendent shall thereupon estimate the amount of each of these funds to be apportioned to each of the school systems during the next fiscal year.

Sec. 239 - The county and city treasurers are to certify through the county or city superintendent of education the expected amount of school taxes to be derived from assessed valuations during the ensuing year.

Sec. 241 gives the county or city superintendent, with the approval of his board, authority to make, during the fiscal year, "such changes within the budget as are deemed desirable."

State: Alabama

PART IV - continued (9)

Sec. 243 gives the county or city board authority to borrow money in anticipation of the current revenues for that fiscal year and to pledge those current revenues for payment of loans if funds on hand are not sufficient to pay the salaries of teachers and to meet current expenses when due.

Secs. 198 through 296 deal in detail with raising, apportionment, and disbursement of public school funds. Secs. 246 through 274 relate to special taxes for school purposes voted upon by qualified voters.

Secs. 279 through 296 provides that the director of the department of finance, the commissioner of the department of revenue and the State superintendent may become a public corporation with authority to borrow money in anticipation of proceeds of minimum program fund appropriation to assist boards of education in paying current expenses.

Topic 20 - Private aid

Sec. 39 gives authority to the State board to administer any donation of property, money or thing of value it receives in the best interest of the schools or school for the benefit of which the donation or gift is made.

Topic 21 - Library programs

Sec. 377 provides that the State superintendent with the advice of the Director of the Department of Archives and History, shall compile and publish a carefully selected and annotated list of books from which the libraries shall be chosen, and shall also adopt and publish rules and regulations for the choice of books, their use, preservation and circulation, the erection of book shelves or book cases, and the equipment of library rooms or buildings, and the training of librarians or custodians for the libraries.

Sec. 378 - The county superintendent and trustees of the school to which a library has been granted shall constitute a library board charged with the administration of the library as other school property.

Sec. 376 - The county may appropriate not less than ten dollars to any public school in the county for the purpose of establishing, maintaining, enlarging or improving public libraries in such schools.

Topic 22 - Research programs

Sec. 21 provides that the State board of education shall conduct investigations relating to the educational needs of the State, and the means of improving educational conditions.

Sec. 631 setting forth the duties of the Alabama Educational Television Commission (see Part III) specifically empowers it to survey, study and appraise the use of television facilities for non-commercial educational use in the State.

State: Alabama

PART IV - continued (10)

Topic 23 - Institutes

Sec. 339 provides: As a means of stimulating improvement of teachers in service in the public schools of the State, institutes shall be held annually, one or more in each county or for a group of counties, at such times and at such places as the State Superintendent of Education, after advising with the county superintendent of education shall direct.....the character of instruction shall be such as to promote the best interest of the schools.

Sec. 340 to 343 have to do with the fact that attendance at institute is compulsory, not permissive.

Topic 24 - Other procedures

Sec. 14 - The State board shall consult with and advise through its executive officer and assistants county boards of education, city and town boards.....and interested citizens.

Sec. 344 states: as a further means of improving teachers in service, the county superintendent shall arrange for and conduct conferences in convenient centers at which round tables shall be conducted upon the courses of study, on the work of State teachers reading circle, or on problems of instruction, supervision and administration.

ALASKA (1959-60)

Enrollment in full-time public schools:	
Elementary	36,820
High School	7,630
Number of school districts (including non-operating)	29
Number of elementary schools	136
Number of high schools (including junior high)	45
Expenditure per pupil in average daily attendance	$546

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-60 OE-20006-60, pp. 6-7, 9, 11.

ALASKA

Independent District Superintendencies

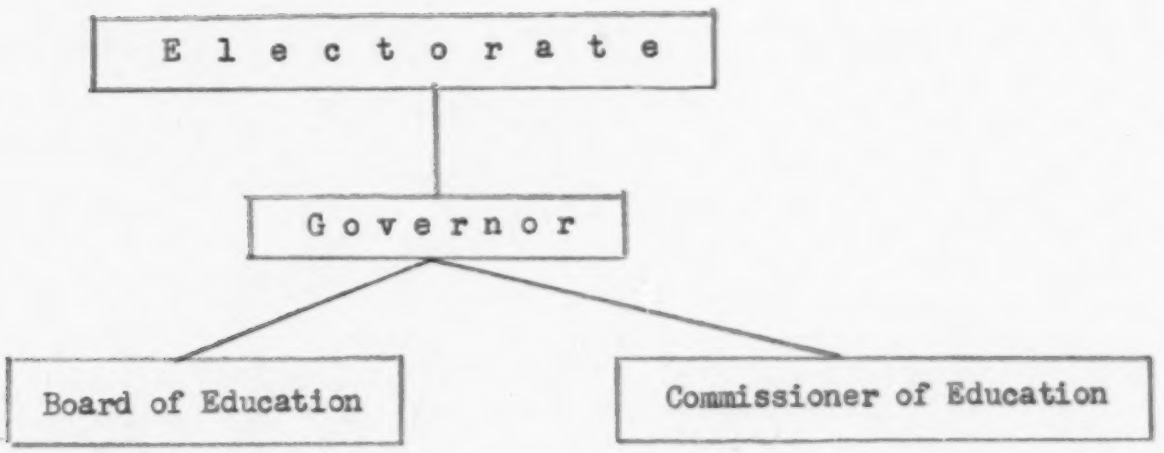
There are 29 independent district school superintendencies in the State. All public schools are under the supervision of the superintendent of the independent district in which they are located. There are no county superintendents of schools in the State.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 10.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 160-161, as amended by 1959 legislature.

A L A S K A

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

a. Schools....

State Board of Education.--Consists of 5 members appointed by the governor, subject to the approval of the...legislature in joint session, for overlapping 6-year terms. One member is chosen from each judicial division and 1 at large. Members are to be citizens of the United States, at least 30 years of age, and residents of the State and the vision from which appointed continuously for at least 3 years immediately preceding appointment. Members may not be engaged as professional educators during their terms of office.

b. Supplementary programs

Textbook Commission.--Consists of 5 members, the commissioner of education as ex officio chairman and 4 legally qualified teachers and/or school administrators of Alaska appointed by the commissioner of education with the advice and consent of the president of the State board of education. Members hold office for concurrent 4-year terms. The law directs that the commission shall meet once every 4 years at the capital to select and adopt a list of textbooks for use in the elementary and high schools, but it is provided that the commission may at any time select and adopt newly published books for supplementary study by correspondence.

3. Chief School Officer

The commissioner of education is appointed by the governor from lists supplied by the board, for a 4-year term. The commissioner must be a citizen of the United States.

7. Coordination of the State Education System Through Structure

The State board of education is responsible for the coordination of the State program of elementary and secondary education....

8. Coordination of the Territorial System of Education Through Ex Officio Memberships

The commissioner of education is an ex officio member of the textbook commission.

9. Fiscal Coordination

Two educational agencies submit budgets to the board of budget, the State board of education and ..... The board of budget consists of three ex officio members - the governor, the auditor, and the treasurer of the State of Alaska. The governor serves as the chairman of the board. The board considers the budgets and revises the estimates in accordance with the board's judgment as to the needs of the educational agencies and the revenues to be anticipated during the ensuing biennium. The board of budget then prepares a budget containing a complete plan of proposed expenditures and estimated revenues which it submits to the State legislature.

State: Alaska

Source of information unless otherwise stated: "Compiled School Laws, State of Alaska", July 1, 1961 shown by section number. References in parentheses are to sections of the Alaska Compiled Laws of 1949 or to Session Laws.

PART I

Educational Organization

State level:

Department of Education: called Dept. of Education, Sec. 12 (Sec. 1, Art. VII, The Constitution of the State of Alaska)
how organized:

established by: Sec. 12 (Par. 1 & 2, Sec. 11, Ch. 64, SLA 1959)

is it a body corporate: No

State Board of Education: called Board of Education, Sec. 28 (Par. 4, Sec. 11, Ch. 64, SLA 1959 as amended by Ch. 79, SLA 1960)
established by: Sec. 28 (see above)

is it a body corporate: No

composition: 6 members, ibid.

how selected: appointed by the governor, ibid.

is confirmation necessary: Yes, by majority of legislature in joint session, ibid.

subject to what control: Governor

to whom reporting:

term of office: overlapping three years, ibid.

Chief state school officer: called Commissioner of Education, Sec. 12 (Par. 1 & 2, Sec. 11, Ch. 64, SLA 1959)
office established by: Sec. 12 (see above)

how selected: Governor appoints, Sec. 35 (sec. 11, ch. 64, SLA 1959) from nominations by the Board of Education

is confirmation necessary: Yes, Sec. 35 (see above)

subject to what control: Governor

to whom reporting: State Board of Education, Sec. 39 (37-2-28)

term of office: 5 years, Sec. 35 (see above)

staff and who appoints:

Other organization or official: called

State: Alaska

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called (a) city school district
(b) incorporated school district
(c) independent school district

how organized: (a) Sec. 79(37-3-32)
(b) Sec. 60(37-3-11)
(c) Sec. 87(37-3-41)

composition: (a) school district in incorporated city, Sec. 54 (37-3-1)
(b) Yes-Sec. 62(37-3-13); (c) Yes, ibid.

is it a body corporate:

Board of education: called (a) city school board, Sec. 79
(b) incorporated school board, Sec. 61
(c) independent school board, Sec. 89

established by:

is it a body corporate: See above

composition: (a) 5 members , Sec. 79; (b) 5 members, Sec. 61(37-3-12)
(c) 5 members, Sec. 89 (37-3-42)

how selected: Elected
(a) Sec. 79; (b) Sec. 61; (c) Sec. 89

is confirmation necessary:
No

subject to what control: State Board, Section 32A

to whom reporting: State Board, Sec. 31A; State Commissioner, Sec. 39A

term of office: 5 years
(a) Sec. 79; (b) Sec. 68(37-3-19); Sec. 96(37-3-49)

Administrative officer of unit: called Superintendent

office established by: no specific legislation or rules on subject

how selected: employed by local board, Section 128

is confirmation necessary:

subject to what control: Evidently local board.

to whom reporting: Local board; also State commissioner, Section 39A

term of office:

staff and who appoints: not specifically stated, but appointed by local board, Section 128.

State: Alaska

PART I

Educational Organization (continued)

Schools

Principals **No specific legislation or rules on subject.**

appointed by: **local boards, Section 188**

qualifications: --

term of office: --

Teachers

appointed by: School board, Sec. 80 (37-3-33)

qualifications: 2 years college with 12 hours in education, Sec. 121(37-5-4)

certification: issued by Commissioner of Education, Sec. 39-M(37-2-28)

tenure: --

special assignments: **not stated**

State: Alaska

Source of information unless otherwise stated: Compiled School Laws, State of Alaska, issued by the State Department of Education, July, 1961, based on Alaska Compiled Laws of 1949, Alaska Compiled Laws Annotated, 1957, and Session Laws since 1957.

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

School legislation for Alaska is clear and simple and is not complicated by a long tradition of early procedures which in some States have colored the general plan of educational organization and activities. An operational function, which is found in some States providing for the government of specialized institutions by the State department or State board of education, is extended to ordinary schools in the unorganized rural districts which are still under control of the department of education. Otherwise the schools are in districts, which have been incorporated with attendant powers, and are controlled by local boards of education to a considerable extent.

State Level - Department of Education

Under Section 12 of the Compiled School Laws, the department of education is vested with the duties, powers, and responsibilities involved in the administration of the State's program of education at the elementary and secondary levels. It has similar authority for other programs of a specialized nature including library services and correspondence courses.

A chart appearing on page 12 of the Report of the Commissioner of Education, 1958, shows a functional breakdown for operational activities, which include presumably those connected with rural schools, administrative services, under an assistant commissioner, and instructional services, under an assistant commissioner. In the instructional services branch there are a curriculum supervisor, curriculum assistant, and education supervisors.

State: Alaska

PART II - continued (2)

State Level - State Board of Education

The state board of education, consisting of six members, appointed by the Governor for overlapping three-year terms(Section 28), holds a regular meeting once a year, not to exceed fifteen days, while the legislature is in session and special meetings as called, not to exceed five days (Section 29). It has supervision of the public school system of the State, exclusive of certain college level schools (Section 31).

Under the same section it shall require school boards to make reports as deemed necessary, sit as the final court of appeals in all educational controversies, study the educational conditions and needs of the school system, and incorporate into the biennial report of the commissioner of education its recommendations to the legislature for improvement of the system.

Additional powers are listed in Section 32, which contemplate the reorganization of the entire school system on a more economical basis. Some of these powers are:

To prescribe rules and regulations for the conduct of all public schools

To establish, discontinue or combine schools

To establish, increase, decrease or abolish school districts and to provide for election or appointment of advisory boards for those rural schools over which the department has operational responsibility

To provide for the transportation of pupils residing at a distance from established schools, in cooperation with regular school districts

To classify teachers and officers and items of expense in incorporated school districts and cities and fix maximum levels for refunds

State: Alaska

PART II - continued (3)

To prescribe qualifications and classifications of all teachers; appoint, discharge, and prescribe the duties of teachers and other employees in rural schools operated by it

To perform all other acts necessary for the efficient and economic administration of the rural schools

To discontinue the operation and maintenance of certain schools according to a procedure prescribed

Certain powers previously exercised by the board of education with reference to the construction and maintenance of school buildings, under authority of Section 32, were transferred to the department of public works by Session Law 1961, Chapter 20, Section 19, approved March 9, 1961.

Section 33 authorizes the board of education to delegate to the commissioner of education or to a member of the board a function for which the approval of the board itself would be necessary to validate an act of the commissioner. Problems of distances and difficulties of travel in Alaska suggest the reason for this kind of legislation. It may serve as some justification for informal procedures which may be followed, however, under constitutional interpretation of the delegation of powers, it is doubtful whether this could serve to transfer from the board to a single member of it or to the commissioner of education any discretionary power.

The State board of course has rule-making power and has issued a set of rules and regulations, the last edition of which is dated July 1, 1961, and has been appropriately filed under provisions of the Alaska Administrative Procedure Act.

State Level - Commissioner of Education

The governor appoints the commissioner of education from a list of nominees submitted by the board of education, and the appointment is subject to confirmation

State: Alaska

PART II - continued (4)

by a majority of the members of the legislature in joint session. Term of office is five years, Section 35.

In Section 39, various duties of the commissioner are described, in directive form. These include:

a. Requiring annually or at other times as he may determine reports from teachers, presidents, superintendents, or principals of all public schools and the school boards of all school districts receiving State aid to file a report with him

b.and c. To keep all records and file all papers relating to the public schools

d. Preparing minimum courses of study for the public schools for adoption after approval by the State board of education

e. Preparing and publishing, on approval of the State board, necessary bulletins and pamphlets relating to educational work in the schools

f. Preparing, with the approval of the State board, rules and regulations for the general government of the public schools

g. Preparing uniform questions for use in the examination of pupils in elementary schools, except in those accredited schools exempted by him at his discretion

k. Holding or arranging for teachers' institutes for the teachers of the State and approving programs for them

l. Inspecting and accrediting public schools of the State

m. Issuing teachers' certificates as provided by law

n. Enforcing school laws and regulations

State: Alaska

PART II - continued (5)

o. Submitting every two years to the State board of education a full report and statistical account of schools

Under Rule 86 of the rules and regulations of the State board of education, the commissioner has certain administrative responsibilities in the establishment of schools in rural districts to be operated by the department of education. Under Rule 89, ibid., he has the power and duty to select qualified teachers for all State-operated schools.

Under Rule 3, ibid., the State board has prescribed other duties, which include:

(a) Submitting an analysis of the budget for the department of education to each member of the State board

(b) Disposing of obsolete school building, with consent of appropriate State agencies, and negotiating contracts or agreements with the federal agencies for the operation of school activities, subject to approval by the attorney general for Alaska, and opening new schools

(e) Preparing, with the advice of the State textbook commission, curriculum committee and others enlisted, such courses of study and teaching materials as are deemed necessary

(f) Establishing a schedule of prices for publications, based on printing and production costs

State: Alaska

PART II - continued (6)

State Level - Textbook Advisory Commission

The Textbook Advisory Commission, consisting of the commissioner of education as chairman and six persons appointed by him from among school teachers and school administrators for a term of four years, pursuant to Section 41, as amended, meets every two years (Section 45, as amended) to select a list of textbooks. Pursuant to Section 42, it adopts a "uniform set of textbooks", for use in the elementary schools, and an "approved list of textbooks" for use in high schools. Thereafter it is unlawful for any school to use textbooks other than those adopted by this commission, "except for purposes of supplementary study". The various school boards in the State are required under Section 46 to report back the textbooks actually used by them. Rule 110 of the Rules and Regulations of the State Board of Education provides that in case a school board violates this law all of the State textbook allowance for that year will be forfeited.

State Level - State Aid

Under Part 4, Alaska, reference is made to the general plan for State aid to public schools, supplementing resources derived from local taxation and bonds. Attention might be drawn here, however, to Rule 40 of the Rules and Regulations of the State Board of Education concerning certain State payments. It provides in Subsection (a)-(1) that equipment and replacement of or repair of equipment shall not be eligible for payment from State funds; in Subsection (b) that the commissioner of education is authorized to reduce budgets on a percentage basis if necessary, in order to keep the budgets of the incorporated schools within the amount appropriated by the legislature; and in Subsection (e) that textbooks furnished free to all pupils shall be eligible for payment from the State if selected from the approved textbook lists, and that library books and other textbooks approved by the commissioner shall be eligible for payment.

State Level - Libraries

Rule 155 of the Rules and Regulations of the State Board of Education provides, under authority of Session Laws of Alaska 1955, Chapter 16, that "the Alaska State plan to extend public library services to rural areas as approved by the United States Office of Education to obtain Federal Matching Funds is adopted by reference."

State Level - Association of Alaska School Boards

Section 24 provides that the Association of Alaska School Boards is recognized as the organization and representative agency of the members of the school boards of the State. The commissioner, the State department of education, and the board of education of the State and of local systems are empowered and authorized to cooperate with the association in its in-service training program for school board members and in promoting cooperation among the school boards affiliated. School districts in

the State are authorized to expend district funds for carrying out the provisions of this legislation.

Local Level - School Districts in General

Section 54 provides for school districts in incorporated cities, incorporated school districts outside of cities, unincorporated school districts outside of cities or incorporated districts, and unorganized school districts. Section 87 and following sections provide for independent school districts.

These and accompanying provisions are clarified by statements appearing on pages 24 and 25 of the Report of the Commissioner of Education, 1958. It is there stated that there are three types of school districts under Alaska law - "city districts, whose boundaries are identical with those of the city; independent school districts, whose boundaries include a city and certain of the areas surrounding the city; and, incorporated school districts, organized as a corporate body without regard to an accompanying municipal corporation."

At the time the report was made there were 19 city school districts, 8 independent school districts, and only 1 school district incorporated beyond city limits. Section 60 and following sections of the Compiled School Laws, however, provide for the establishment of an incorporated school district in any town, village, or settlement in an area not exceeding 500 square miles with a population of 100 inhabitants and 30 children of school age, lying outside of an incorporated town or city. This is evidently the area of growth in the school system, although it is also probable that some of the city school districts will become independent school districts by annexing for school purposes territory lying beyond city limits, in accordance with a procedure provided.

There is little to distinguish the unorganized school districts and the unincorporated school districts referred to in section 54. Such schools as there are in those areas are operated directly by the State department of education under basic authority of Section 12 of the Compiled School Laws and related provisions. Session Laws 1961, Chapter 140, amends an earlier enactment by changing procedure for the election of an advisory school board in an unincorporated district operated by the State department, but other provisions of the earlier legislation remain in force. These are found in Section 197 of the Compiled School Laws. Such an advisory school board is composed of three members, elected for a term of three years, and its duty is to advise and assist the State board of education and the State department of education as prescribed by the Rules and Regulations of the State Board of Education, through conferences with the local official in charge of the school. The State department, of course, appoints that official and all teachers employed in this kind of rural school.

The operation of the schools in other districts, however, is essentially similar to that in other States, each district enjoying a degree of autonomy.

Local Level - Incorporated School Districts

An incorporated school district, lying outside of a city or an independent district, has a school board of five members, Section 61, elected by popular vote, Section 62, for a term of five years, Section 68, with power to appoint an assessor and tax collector, Section 61, and to levy and collect taxes in the district, Section 72. The district, as soon as it is formally established, becomes a corporation with all attendant powers, Section 65, which are exercised by members of the board. Section 61 provides that the board "shall have the exclusive management and control of all school matters in the district, subject to the State school laws and to the rules and regulations promulgated by the commissioner of education", but very little else is said about the powers of the board except with reference to taxing authority, consolidation with adjoining districts, or dissolution. School boards in these districts, like school boards in other autonomous districts, are authorized by Section 128 to hire administrators and teachers regularly qualified in accordance with the department of education rules and regulations, and to make contracts with them under the conditions imposed. No special provisions are found concerning special qualifications or duties or powers of administrative officers in such districts.

Local Level - City School Districts

Sections 78 through 86 of the Compiled School Statutes relate specifically to city schools and city school districts. Under Section 79 every city - that is, one which has been so incorporated - shall constitute a school district, and it shall be the duty of the council of the city to provide suitable school houses and necessary funds to maintain public schools, but the schools when established shall be under the supervision and control of a school board of five members. Members are elected for a term of five years, overlapping.

As previously indicated, authority for the construction and equipment of school houses is in the department of public works. All other moneys available for school purposes, however, are in the custody of the treasurer of the school board and subject to its control, Section 80. This section also gives the board power to employ necessary teachers, to provide for heating and lighting of the schoolhouses and in general do and perform everything necessary for the due maintenance of a proper school. There is no extensive list of powers granted to the board, which is an indication of concentration of power at the State level.

Under Section 81 the board reports to the commissioner of education. Under Section 106 it also submits to the commissioner of education its budget with detailed statement of proposed expenditures. The purpose of this is in part to assist the commissioner to determine the amount of State aid to which the city board will be entitled.

Under Section 82 the board submits its budget to the city council for its approval by formal resolution. Thereafter the city council levies a general tax and a sales tax under Section 83 for a first-class city or under Section 84 for a second-class city to meet the school budget approved by it and turns over the collected funds to the school board. The municipal machinery is used for assessing and collecting taxes. Under Section 85 the school board reports monthly to the city council on all expenditures.

Local Level - Independent School Districts

Sections 87 through 103 relate specifically to independent school districts, that is the districts composed of incorporated cities to which adjoining territory has been annexed for school purposes, Section 87. Several sections relate to procedures for establishment of such districts and election of the school board of five members, Section 89, for five year overlapping terms, Section 96. There is also provision in Section 89 for a seven-member board and in Section 96 for three-year overlapping terms for such members, in cities with a school population of more than 5,000 pupils.

Procedure for preparing a budget, Section 100, obtaining approval of the city council, and levy and collection of taxes from the city itself, Section 101, are similar to procedures for simple city districts. However, the board is authorized under Section 89 to appoint its own assessor and collector for areas lying beyond the city limits and that officer is authorized to make assessments, levy and collection in those districts, Section 103, lying beyond the jurisdiction of the city council.

Otherwise the school board is invested with power only in the most general terms of Section 89 which states that it shall have the exclusive management and control of school matters in the district, subject to the State school laws and regulations promulgated by the commissioner of education of the State board of education. Like other school boards it has authority under Section 128 to hire administrators and teachers who are properly qualified under State regulations and laws, but there is no description of duties of such administrators contained in the statutes.

General Characteristics

The development of schools in Alaska did not follow the same pattern as the development of schools in the old Eastern States and in many others. In these, various institutions were started locally and became well established before the State legislatures enacted very extensive provisions towards standardizing procedures and imposing general regulations from a central State agency. This kind of development was, to a degree, from the bottom upward and is reflected in the greater autonomy of local school districts in some States.

To a large extent, however, the development of schools in Alaska was from the top downward. This is also reflected in legislation which gives proportionately greater controls to State officials than to local officials.

State: Alaska

PART II - continued (10)

A sensible division of labor requires some distribution of power, and the legislation has granted local operational authority to local districts of the kinds described above. Local resources are tapped for operating expenses, and there is some freedom of choice and room for private initiative in purchase and use of equipment. But evidently the general pattern is set at the State level, either through specific legislative provisions or through continuation of paternalistic practices established in the territorial period.

Such local power as there is seems strongly concentrated in the boards. While there are local superintendents of instruction and principals as indicated in reports and collateral references in statutes, no provision has been found describing their duties or powers. These obviously are to be determined by the local boards, according to their desires and convenience, within the general framework established by the legislature and by the rules of the State Board.

State: Alaska

Source of information unless otherwise stated: Compiled School Laws, State of Alaska, July 1961; Rules and Regulations of the State Board of Education, July 1961; Catalogue, Title III Instructional Materials, October 1961; Report of the Commissioner of Education, June 1958; all issued by Department of Education.

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

The Compiled School Laws and the Rules and Regulations of the State Board of Education contain no references to AV materials or their use or to general terms, except textbooks, which might be interpreted to include any such material.

The following quotations relating to this subject appear in the publications indicated.

Catalogue, Title III Instructional Materials (no pagination):

"FOREWORD

One of the responsibilities of the State Department of Education is to provide leadership to the schools of Alaska in deriving the greatest possible educational benefit from new materials.

The past decade has seen a marked increase in the type and variety of instructional materials available for classroom use. This has been especially true of audio-visual materials in the subject areas of science, mathematics, and modern foreign languages. The high initial cost coupled with a relatively limited use in any particular school, unfortunately, has imposed a severe restriction on the employment of these materials in any except larger districts.

State: Alaska

PART III - continued (2)

The National Defense Education Act of 1958 (recently extended for an additional two years) which provides funds for the purchase of instructional materials in the areas of science, mathematics, and foreign languages, has made it possible for the State Department of Education to provide, at its Anchorage Office for the past two years, the nucleus of an Instructional Materials Center for the State-operated schools.

In recognition of the responsibility for providing leadership in improving instruction in all schools in Alaska, the State Department of Education now proposes to make the services of this Instructional Materials Center available to all the schools of Alaska.

Theo J. Norby
COMMISSIONER OF EDUCATION

October, 1961"

"Section I-A - Introduction

THE ROLE OF THE CENTER

The unique value of audio-visual materials in providing rich, vicarious experiences and clarifying difficult concepts through special effects and utilization of equipment not generally available in schools, has long been recognized by teachers in Alaska.

The present Center was developed, in response to a growing need, from a filmstrip collection maintained at the Anchorage Office of the State Department of Education for use in the State-operated schools. Motion pictures were added to the collection from time to time, as funds permitted, in order to provide materials that were otherwise unavailable or that could not be justified for a single school. With the advent of the National Defense Education Act, which provides reimbursement for expenditures to improve instruction in science, mathematics and modern foreign languages, it was possible to obtain additional materials in those areas.

State: Alaska

PART III - continued (3)

The term 'Instructional Materials' when applied to a school-system service center, has, in reality, a broader and more comprehensive meaning than is encompassed in the present level of operation. It is hoped that with time the services of the Center, now restricted almost exclusively to films and filmstrips in a few specialized areas, may be expanded to include other materials and areas of service.

While the Center has primarily been developed to serve the State-operated schools, the recognition of the same needs in the smaller independent districts has led to the decision to extend the services to all the schools of Alaska. It should be recognized, however, that with this extension, and the consequent expansion in the number of participating schools, there will be increased difficulty in meeting all requests for service. It is for this reason that users are requested to list alternate materials and alternate dates on the Request Forms."

Report of the Commissioner of Education, June 1958 (pp. 49-50):

"Audio Visual Education

The use of auditory and visual aids has been a long established practice in the schools of Alaska. Most of the schools of Alaska have adequate supplies of suitable pictures, maps, charts, collections and models for implementing and vitalizing classroom instruction. In addition, other visual aids such as filmstrip projectors, movies, strip films, slide films and lantern slides are regularly used by schools throughout the Territory, both within the schools operated by the Territory as an agency and in the school districts. Most of the larger school districts have purchased their own filmstrip libraries, strip projectors, radio sets and other auditory--visual aids. During the period covered by this report, a beginning filmstrip library and visual aids instructional materials library was established in the field office of the Department of Education in Anchorage to service the rural schools of the Third Division in the Aleutian Chain.

State: Alaska

PART III - continued (4)

The Standard Oil Company of California has made available to Alaska the 'Standard School Broadcast' program which is regularly released over radio stations throughout Alaska and throughout the Nation. Not only has the Standard Oil Company made available to the regular Alaska radio stations transcriptions of the famous 'Standard School Broadcast', but it has also made available transcriptions of the Broadcast which may be mailed to the rural schools that do not have access or are not within the radius of listening distance of a commercial radio station."

State: ALASKA

Source of information unless otherwise stated: Compiled School Laws, State of Alaska, issued by State Dept. of Education, July 1961, based upon Alaska Compiled Laws, 1949, and Alaska Compiled Laws Annotated, 1957, with supplement of 1961 Session Laws. Citations are to sections. References also made to Rules and Regulations of the State Board of Education, July 1961, and to Report of the Commissioner of Education, 1958

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject.
Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or
No

Yes 2. Planning the use of AV aids
Secs. 12, 31C, 32A

~~Yes~~ 3. Preparing curricula
Secs. 12, 31C, 32A, 39D
Rule 30, Rules and Regulations
p. 42 Report of Commissioner

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available
Sec. 39D, 39E

Yes 5. Organizing AV units and cooperative activities
Secs. 12, 32A, 39F

~~No~~ 6. Conferring on AV use outside of State educational structure

State: ALASKA

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)

Rule 110, Rules and Regulations

Yes 8. Selecting textbooks (and observing academic freedom)

Secs. 41, 42, 43, 45
p. 41 Report of Commissioner
Rule 110

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

Rule 110, Rules and Regulations

Yes 10. Financing acquisition by rent or purchase
see p. 49, Report of Commissioner

No 11. Regulating use of AV aids and keeping statistics on use and using personnel

Yes 12. Distributing AV aids

See p. 49, Report of Commissioner

No 13. Producing AV aids

Yes 14. Certificating teachers and AV professionals

Secs. 39M, 121, 122, 124-126
Rules 50-58, Rules and Regulations

No 15. Prescribing qualifications of using personnel

State: ALASKA

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

Sec. 39L
see p. 27, Report of Commissioner

Yes 17. Building or remodeling schools to facilitate AV use
Session Laws 1961, Ch. 20
Secs. 198, 203
Rule 125, Rules and Regulations

Yes 18. Federal aid to schools

Sec. 26
Also Session Laws 1961, Ch. 78

Yes 19. State aid to schools

Secs. 21, 22, 55A, 56, 112, 198
Rules 40, 41, 42, 125
pp. 36, 64, Report of Commissioner

No 20. Private aid to schools

Yes 21. Library programs

Rule 155, Rules and Regulations

No 22. Research programs

Yes 23. Institutes

Sec. 39K

Yes 24. Other established procedures
Secs. 24, 203
Session Laws 1961, Ch. 146
pp. 57, 58, Report of Commissioner

No statutes or regulations have been found relating to AV. Discussion below will be about other authority which might be invoked, although not specifically relevant. Statements in Report of Commissioner, 1958, relating specifically to AV will be referred to.

Topic 2 - planning

The general provisions of Sec. 12, vesting duties,powers, and responsibilities involved in the administration of the State's program of education in the State Department of Education would extend to planning the use of AV aids, as well as to a number of other related functions.

The duty imposed on the State Board of Education by Sec. 31C, to study the educational conditions and needs of the public schools and adopt or recommend plans for improvement, and the power, granted by Sec. 32A, to manage, control and prescribe rules and regulations for the conduct of all public schools, are by their general terms equally relevant.

Similarly the general power of the Commissioner, with accompanying duty, to prepare courses (Sec. 39D) and to publish bulletins on school work (Sec. 39E), both subject to approval of the State Board, indicate the role and authority he might have in planning for the use of AV. No doubt, the Department, the Board, and the Commissioner would work together for this purpose.

The general power granted by Sec. 80 to a city school board to "do and perform everything necessary for the due maintenance of a prpper school", and corresponding provisions for local boards in incorporated districts and independent districts, is probably relied upon to make plans and implement them for the purchase and use of AV equipment within the limitation of resources from local taxation. The best chances are, however, that this function is carried out principally at the State level. The strict requirements concerning selection of textbooks from prepared lists suggests the possibility of State supervision in the selection and purchase of AV and other supplementary instructional aids.

Topic 3 - curricula

The general power of the Department (Sec. 12) and of the State Board (Secs. 31C and 32A), referred to above, and the specific duty of the State Commissioner (Sec. 39D) to prepare iminmum courses of study for the public schools for adoption upon approval by the State Board, locates this power at the State level, but might still leave a narrow margin of some choice by local boards beyond the level of the prescribed minimum, by virtue of their general powers. Rule 30 of Rules and Regulations of the State Board, however, states unequivocally that the course of study for the elementary schools, published by the Department of Education, is officially adopted as the standard. Rules 31 and 32 relate to administrative manuals for high schools and for school boards, respectively, and there is no reference in them to courses of study. The high schools, then, might still have some degree of choice. The State Commissioner stated in his Report, moreover, at p. 42, that the approved courses represented a minimum, should not be construed as limiting the scope of the curriculum which local schools might desire to offer, and that school districts are encouraged to expand courses to take into account local needs.

Topic 4 - advising

The authority of the Commissioner to draft courses of study (Sec.39D) and to prepare and distribute to school boards bulletins on education, subject to approval of the State Board, might be used to advise on the use of AV aids (Sec 39E)

ALASKA

Topic 5 - organizing units

The general power of the Dept.(Sec. 12), the supervisory and rule making power of the State Board (Sec. 32A), and the administrative and rule making power of the Commissioner (Sec. 39F), place this function at the State level. Inasmuch as this seems to be a policy question and the Commissioner has not received general organizational authority like that of his counterpart in some States, it is probable that he would recommend the organizing and that the State Board would decide the question.

Topic 7 - selecting AV aids

Rule 110 of Rules and Regulations of the State Board specifically adopts the lists of textbooks of the Textbook Commission for both elementary and high schools, and suggests an equal degree of supervision over selection of any supplemental teaching aids. See discussion under Topic 2 above.

Topic 8 - selecting textbooks

The Textbook Advisory Commission (Sec.41) is charged under Sec. 42 with the duty to select and adopt "uniform sets of textbooks for use in all the branches of study presented in the elementary schools" and "an approved list of textbooks for use in each of the subjects presented in the high schools". None of the books selected shall have anything of a partisan or sectarian character. If it is impossible for a school to obtain the approved textbooks, it must get the approval of the Commissioner to use a substitute. Textbooks are adopted for a period of 4 years (Sec. 43), and the selection is made by majority vote of the Commission, (Sec.45). Control is exercised by requiring all school boards to report to the Commissioner on the books being used by them (Sec. 46). Rule 110, dealing with this subject, is discussed under Topic 7 above. The Commissioner referred in his Report, at page 41, to the previous meeting of the Textbook Commission and to regulations established by it then concerning supplementary materials, workbooks and manuals, but no legislation or rule on the subject has been found.

Topic 9 - acquiring AV aids

Rule 110, referred to above, may be relevant. But the authority to purchase necessary school supplies, implied by general authority granted to local boards to maintain a proper school, might be extended to some AV equipment purchased or rented exc with proceeds from local taxation. The question might be in the freedom of choice. See discussion above.

Topic 10 - financing acquisition

The following quotation from the 1958 Report of the Commissioner will throw some light on this and on related topics by indicating that schools do use AV aids and, by implication, that they are not dependent upon the State for this purpose, relying upon some authority for their activities. But that authority is not identified by citation. P. 49:

"The use of auditory and visual aids has been a long established practice in the schools of Alaska. Most of the schools of Alaska have adequate supplies of suitable pictures, maps, charts, collections and models for implementing and vitalizing classrom instruction. In addition, other visual aids such as filmstrip projectors, movies, strip films, slide films and lantern slides are regularly used by schools throughout the Territory, both within the schools operated by the Territory as an agency and in the school districts. Most of the larger school districts have

purchased their own filmstrip libraries, strip projectors, radio sets and other auditory-visual aids. During the period covered by this report, a beginning filmstrip library and visual aids instructional materials library was established in the field office of the Department of Education in Anchorage to service the rural schools of the Third Division in the Aleutian Chain....."

Topic 12 - distribution

See quotation under topic 10.

Topic 14 - certificating teachers

Sec. 39M directs the Commissioner to issue teachers' certificates as provided by law. Sec. 121 provides that all such certificates shall issued by him, but none to any person who is under 18 years of age and who has not completed at least a two year course in an approved college or normal school with 12 semester hours in education or the two years' course in a Normal High School of Alaska, except that the Commissioner may issue a temporary certificate to a person without these minimum qualifications in order to meet an emergency.

There are 4 kinds of certificates. One for elementary school, Sec. 123, requires the minimum preparation and is good for 3 years, renewable if the holder has been teaching for half of that period. One for high school, Sec. 124, requires graduation from an approved college or university and is good for 5 years, renewable in like manner if half that time has been spent in teaching. A life certificate is issued to the holder of either of these two basic certificates upon completion of 45 months of successful teaching in Alaska, plus completion of 1 year of graduate work, Sec. 125. A temporary certificate may be issued by the Commissioner, in his discretion and to meet an emergency, to a competent person who does not otherwise meet these basic requirements, Sec. 126. School boards in the several districts may hire administrators and teachers qualified under rules of the State Board, and contracts are automatically extended unless timely severance notice is given, Sec. 128.

Rules 50-58 of the State Board of Education describe qualifications for elementary certificates (51), Secondary certificates (52), special education certificates (53), administrative and principal's certificates (54), professional certificates (55), life certificates (56), special certificates (57), and emergency certificates (58). Session Laws 1961, Chapter 51, effective July 1, 1961, prescribes a salary scale for qualified principals, vice-principals, head teachers, teachers in charge, and teachers, employed by a school district or by the Dept. of Education in school operated by it.

In none of this legislation, including that most recently enacted, and in none of the Rules of the State Board is reference made to special qualifications or training relating to AV teaching aids or techniques.

Topic 16 - accrediting schools

The Commissioner is required to inspect and accredit the public schools of the State, Sec. 39L. Alaska is a member of the Northwest Association of Secondary and Higher Schools which approved accreditation of the 17 schools recommended by the local committee (see Commissioner's Report, pp. 27-28). No reference has been found to AV aids or their use in connection with accreditation.

Topic 17 - buildings to facilitate AV use

Sec. 198 provides that taxes, fees and penalties collected under the Cigarette Tax Law shall be paid into the State "School Fund" and shall be used for the exclusive purpose of rehabilitation, construction and repair of Alaska's school facilities. Rule 125 of the State Board prescribes the formula for distributing among the various

the proceeds of the Tobacco Tax. Rule 24 of the State Board, which was still in effect apparently when it was reprinted in July 1961, contains regulations for building and altering school buildings and ~~writtenx~~ requirement of written approval of the Commissioner for such work and specifications. That may still be a requirement, even though Sec. 203 of the Compiled School Laws provides that the functions and authority of the Board of Education relating to the construction and maintenance of school buildings are thereby transferred to the Department of Public Works Session Laws 1961, Chapter 20, approved March 9, 1961, appearing in the Compiled School Laws, is the enactment which effected this transfer. In none of this legislation, nor in the Rule referred to, does there appear any ~~xx~~ provision relating to AV equipment, but the channels of authority are indicated.

Topic 18 - Federal aid

Sec. 26 gave the necessary legislative assent to Federal Aid under Public Law 85-864, 72 Stat. 1580, and authorized the head of the Department of Education - that is, the Commissioner - to do all things necessary to cooperate with the U.S. Government and to participate under that Act and "any Act or Acts amendatory thereof or supplementary thereto, subject to prior concurrence of the Governor of Alaska". Session Laws, 1961, Chapter 78, gave necessary legislative assent to permit the State to qualify for and to spend Federal monies for increasing teachers' salaries, school construction, and other educational purposes, in case any Federal legislation is enacted for this purpose, and gave necessary authority to the Governor and to the Board of Education to perform any acts required, in a flexible way to use monies appropriated to the Department of Education.

Topic 19 - State Aid

Under Sec. 58, public utility and school districts are authorized to issue negotiable bonds for the construction of school buildings and facilities connected therewith. Sec. 59 ratified all bonds issued by any municipalcorporation, public utility districts or school districts before 1960. All school districts which have been incorporated are authorized to levy and collect taxes for support of schools, usually through the machinery of the local municipalities, as ~~previously~~ previously described in Part II.

In addition to these sources of income, the State provides funds for the schools in a program which has a bearing on the use of AV aids, directly or indirectly. A per capita school tax of $10.00 is imposed annually upon all persons 19 years of age or over who is gainfully employed within the State, with some exceptions, Sec. 112. A percentage of the tax imposed in connection with the operation of salmon canneries, Sec. 55, and of the business license tax, Sec. 56, is paid to school districts. As indicated above, proceeds from the cigarette tax, Sec. 198, go to school districts in accordance with a formula prescribed by the Board of Education, Rule 125. Rules 40-42 describe the items for which school districts may claim reimbursement from the State for expenditures made by them. The Report of the Commissioner, 1958, shows sources of funds for school support, for the 1957-58 period, as follows: school tax 7.25%; gaming licenses and fines, 1.04%; forest reserve fund, 0.37%; royalties and rentals, 14.63%; permanent school fund, 0.04%; general fund 76.67%. See p. 37. On page 64, further explanation is given on the program of school support. He stated that the Alaska system of school support from the State level is not based on a foundation-type program with an equalization factor, that the present level of State support must be maintained, and that school districts have indicated an inability to absorb a higher local tax.

Topic 21 - libraries

Rule 155 of the State Board adopts the Alaska State Plan to Extend Public Library Services to Rural Areas, as approved by the U.S. Office of Education, to obtain Federal matching funds. Otherwise, no reference has been found to any established library procedure or program which might be utilized to channel AV aids to the public schools.

Topic 23 - Institutes

Sec. 38 authorizes the Commissioner to hold or arrange for the holding of teachers' institutes for the teachers of the State and approve the programs thereof.

Topic 24 - other established procedures

Sec. 24 relates to the Association of Alaska School Boards, already referred to in Part II above, for an in-service training program for members of school boards and for promoting cooperation among school boards. This is a useful procedure which might be employed in educating board members in the uses of AV equipment.

On pages 57-58 of the Report of the Commissioner, reference is made to various activities of the "Superintendents' Advisory Commission",, established by the Board of Education in 1945, for the primary purpose of considering problems of local school boards and superintendents. Recommendations of this commission have been forwarded to the State Board through the Commissioner who arranges for its meetings. It was described as a worthwhile medium for presenting and discussing educational problems in Alaska, and should also be useful in discussing and recommending AV aids. No statutory or regulatory reference to it has been found.

Session Laws 1961, Chapter 146, relates to organized and unorganized boroughs, which are political units. In each of them there is a "service area" for school affairs, which might provide useful established channels for promotion of AV programs.

ARIZONA (1959-60)

Enrollment in full-time public schools:

Elementary	235,717
High School	66,955
Number of school districts (including non-operating)	305
Number of elementary schools	519
Number of high schools (including junior high)	92
Expenditure per pupil in average daily attendance	$404

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

ARIZONA

County and Independent School Superintendencies

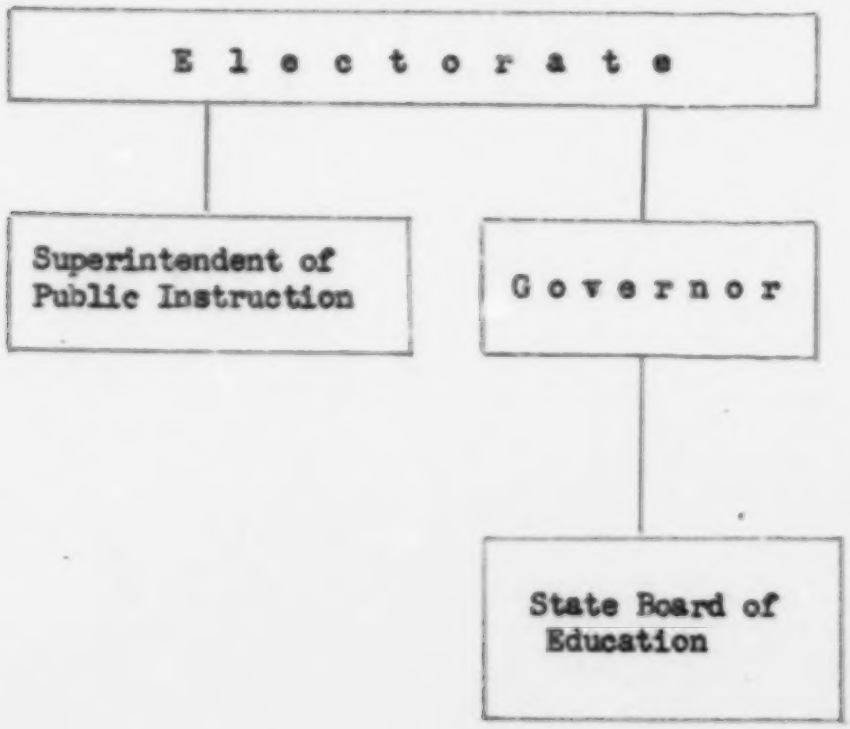
There are 47 school superintendencies in the State: 14 county intermediate and 33 independent district superintendencies. The superintendents of the 14 county-intermediate superintendencies perform all administrative functions for areas comprised of two or more local districts, each district operating its schools independently.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 10.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 47-48.

A R I Z O N A

1. State Educational Structure Chart(relating only to elementary and secondary public schools)



2. State Education Boards

a. Schools...

State Board of Education.--Composed of the governor, the superintendent of public instruction...plus a city superintendent of schools, a high school principal, and a county superintendent of schools appointed by the governor.

3. Chief State School Officer

The superintendent of public instruction is elected on a partisan ballot for a 2-year term.

7. Coordination of the State Education System Through Structure

Two agencies, the superintendent of public instruction and the State board of education, share the primary responsibility for supervision of the regular elementary and secondary education program of the vocational education and vocational rehabilitation program....

8. Coordination of the State Education System Through Ex Officio Memberships

The superintendent of public instruction serves ex officio on...., the State board of education,...

The governor serves ex officio on the State board of education...

Arizona - continued

9. Fiscal Coordination

Three State educational agencies submit budgets to the governor who in turn compiles his budget for the legislature. These agencies are the State Board of education,...

The governor does not change the budget requests but submits them with his recommendations to the legislature which is in large part the coordinadint agency for financing the State system of public education.

ARIZONA

(All references are to Title 15 of the Arizona Revised Statutes, 1960 edition, unless otherwise stated.)

State Organization

The Arizona State Board of Education operates under the authority of Chapter one of Title 15, in Article I. That same Chapter, Article 2 describes the office of State Superintendent of Instruction. There is also an Arizona School Board Association comprised of members of the Boards of Trustees of elementary school Districts and from the Boards of Education of high school Districts. Their functions are listed under Article 3 of Chapter 1. The Districts are designated by Article 1 of Chapter 4.

Section 431 establishes the Boards of Trustees as governing the School Districts. Each Board has a Clerk, who functions according to section 433. The Boards are also permitted to employ a superintendent or principle, or both, pursuant to section 444.

p High School Districts are formed in accordance with the procedure set out in section 501. Section 541 indicates that the Boards of Education are to govern the high school District, unless it is a single District. If it is a single District, then the School Trustees are to govern.

Supervision and Authority

The powers and duties of the State Board of Education are listed in section 102. Among them are the power to make rules and regulations for its own government, appoint subordinate members of the Board, prescribe the duties of the executive officers, make recommendations to the State legislature, exercise general supervision over and regulate the conduct of the public schools, prescribe and enforce a course of study, prescribe and enforce the use of a uniform series of text-books, and supervise and control the certification of teachers.

Although the State Superintendent is mostly a ministerial post, he is supposed to superintend the public schools and apportion the school money, according to section 121. In that same section he is directed to call an annual meeting of County School Superintendents. Other duties of the State Superintendent are found in section 122. It is provided in section 123 that he also make a report to both the Governor and the Legislature of all funds and property granted for education.

The Arizona School Board Association is directed to coordinate educational policies and procedures and promote the uniform application of the State's school laws. Section 142 further states that the Association shall submit reports, recommendations and proposed legislation relating to educational or allied subjects, as are likely to effect an improvement in the public school system.

Pursuant to section 433 the Clerk of the Board of Trustees is directed to keep an itemized account of receipts and expenditures, & provide all school supplies under the direction of the Board of Trustees, and discharge such other duties as are prescribed by the Board. As for the Board, it is to prescribe and enforce rules for the government of the schools, as long as they are not inconsistent with those prescribed by the State Board of Education. This language may be found in section 441. Further powers are listed in section 442. The Boards of Trustees are also to enforce the courses of study and the use of text-books adopted by the State Board, visit the schools to determine the management, condition and needs. Then section 445 provides that the Board of Trustees purchase school furniture, apparatus, equipment, library books, and supplies for the use of the schools.

The Boards of Education in the high school Districts have all the powers and duties vested in the school trustees, except that the Board shall prescribe the course of study for the high school, subject to the approval of the State Board. This language may be found in section 545.

Elections and Appointments

The Elections and Appointments of the State officers in the field of education are not included in Title 15 on education. Only the Arizona School Board Association is mentioned as having members of the Boards of Education and Trustees as members ex-officio. This is in section 142. However, the Boards of Trustees are elected according to section 471. Presumably the Boards of Education are elected also.

Courses of Study

The courses of study in the Arizona schools are under the supervision of the State Board of Education. Section 102, which is the general grant of authority to the Board, contains provisions directly relating to this subject. Subpart 15 states that the Board shall prescribe and enforce a course of study in the common schools. Subpart 16 also directs the Board to prescribe the subjects taught in all the common schools. Subpart 17 authorizes a list of optional subjects to be taught in the common schools.

Section 442(2.) directs the Boards of Trustees to enforce the courses of study prescribed and adopted by the State Board. However, these only relate to common schools. The Boards of Education in the high school Districts are permitted to prescribe their own courses of study. The section authorizing this power is 545(B). There is only one limitation placed on the power. That is the need for the approval of the State Board.

Chapter 10 Article 7 is concerned with an unusual course of study, Training in the Use of Firearms and HuntingPractices. Many of the characteristics of A-V instruction are found here. Section 1071 states that the State Board is permitted to provide this education, when schools make the request. Some of the cooperating agencies authorized by section 1072 are The Arizona Game and Fish Commission, and the National Rifle Association. Section 1074 also authorizes the State Board to prescribe the courses, approve materials, and certify instructors, in cooperation with the Arizone Game and Fish Commission.

Advising Subordinates and Prescribing Qualifications for Using Personnel

Since the Boards of Trustees emoloy all those who work in the schools, it appears as though they also determine most of their qualifications ~~also~~. The section granting this authority to hire is 443. Section 438 lends support to this contention. It provides that the Board of Trustees may emoloy professional personnel deemed necessary. This same authority resides in the Boards of Education under its general provision, in that there is no provision expressly denying this.

Any advising would probably be done through the teachers' conferences which are provided for in section 102(5). These are called by the State Superintendent annually, for the purpose of discussing questions pertaining to schools. Besides this section, the laws are silent.

Organizing Units of A-V Aids

The laws of Arizona do not provide for the organizing of A-V Aid units. On the other hand a number of related subjects may be referred to. In the first place the State Superintendent is told to call annual meetings in section 121. Then the Boards of Trustees, and presumably the Boards of Education, are authorized to employ professional help by section 438. Perhaps either of these agencies would have the authority to organize A-V units.

Secondly the Boards of Trustees are given permission to create and establish both school and public libraries. This seems to be very close to organizing an A-V unit. The authority for this is section 450.

Conferring on Use Outside the System

The Superintendent of Public Instruction is directed by section 121 to call annual teachers' conferences. It appears that he has a great deal of discretion in the conduct of these conferences. He may even be permitted to contract with people outside the syatem of education for lectures and the like.

Section 1191 grants the Boards of Trustees, and presumably the Boards of Education, the permission to enter agreements with other states, countries, or territories for the exchange and employment of teachers or professors. Perhaps this authority may be used to employ special teaching personnel in the field of A-V Aids.

Selecting and Acquiring A-V Aids

The Boards of Trustees of the common school Districts are empowered to purchase such things as school materials, furniture, apparatus, equipment, library books and supplies for the use of the schools. This authority is conferred by section 445. It is a more specific function than the prescribing and enforcing of rules for the government of the schools, which is provided for in section 441. However, when read together these sections indicate that the local agencies, the Boards of Trustees and the Boards of Education are the immediate body for acquiring any A-V Aids that the Arizona schools might use. This conclusion is enforced by the directing of the Clerk of the Board of Trustees to keep an itemized account of all expenditures and to provide all school supplies. It appears that the procedure established for the selection of text-books does nOt apply to the above materials. Otherwise these books would be included with the library books, or vica versa.

Selecting Text-books

The State is obligated by section 1101 to furnish free text-books for the common schools. The cost is to be for the use of the State Board of Education. The section further provides that the County Superintendents shall furnish to the Secretary of the State Board a list of necessary text-books. The State Board is then to supply the books requested. In the case of supplementary books, the State Board is directed to prepare annually lists of approved books, from which the Boards of Trustees may, with the approval of the State Superintendent, purchase supplementary books. This language is also found in section 1101. The text-books supplied to the common schools are originally prescribed by the State Board also, according to section 102(18). Then the Boards of Trustees are directed to enforce those lists by section 442(2).

In the case of the high schools in Arizona, the laws are silent. Presumably they assume that the Boards of Education will perform the exact same functions as the Boards of Trustees, as they are directed to do by section 545, even in the field of supplying text-books. The trouble with this is that the other provisions specifically refer to the common schools by name. Perhaps the other inference is that the high schools are permitted to obtain and supply their own books.

Financing Acquisition

The State Board of Education is directed by section 102(11.) to devise plans for the management of the State School Fund and prepare a budget of expenditures necessary for proper maintenance of the Board and accomplishment of its purpose. Once this is done, the State Superintendent, subject to the supervision of the Board, is authorized by section 121(3.) to apportion the money to the several counties.

After the money is distributed to the Districts within each County, the Boards of Trustees obtain control. Among the items which the Board of Trustees are authorized to purchase with this money, are school furniture, apparatus, equipment, library books, and supplies. These and others are listed in section 445(A) (2.). Presumably these same items are to be purchased by the Boards of Education in the high school Districts, since section 545 states that they shall have the same powers as the Boards of Trustees.

Regulating the Use of A-V Aids

The Arizona laws do not provide for the regulation of A-V Aids. Yet it may be helpful to refer to closely related areas.

The State Board of Education has the primary authority to make rules and regulations for the conduct of the public schools, according to section 102. On the local level the Boards of Trustees, and the Boards of Education, determine the management, condition and needs of the schools, prescribe and enforce rules for the government of the schools as well. Section 441 may be referred to for this authority.

On the other hand, all courses of study are supervised by the State Board, pursuant to section 102. The Boards of Education for the high school Districtsare required to obtain its approval also. This language is found in section 545(B).

Another related area which might be pertinent is the creation and establishment of libraries. The authority for this has been deposited in the hands of the Boards of Trustees, and presumably the Boards of Education, by section 450. The purchase of library books is conducted by these Boards also, apparently without any limitation, according to section 445.

Distributing A-V Aids

The Arizona laws have not provided for the distribution of A-V Aids. Perhaps the only related subject, from which an indication may be drawn as to how the legislature might react, would be the authority granted to the Board of Trustees and the Clerk to provide supplies to the schools. Section 443 in outlining the duties of the Clerk of the Board also states that he is to discharge whatever duties the Board may confer. It seems reasonable to assume that any additional duties would be similar to those already existing. Again it is important that section 545 provides that the Boards of Education perform the same functions that the Boards of Trustees perform.

Since the Board of Trustees purchases equipment, apparatus, as well as other school materials, they might request the Clerk to also go about apportioning them among the schools in their District.

Producing A-V Aids

There is no reference either direct or indirect to the production of A-V Aids. No help can be obtained from the laws as they presently exist to determine how the legislature might feel about conferring authority in this field. None of the more related subjects contains even a hint.

For example, although section201 enumerates the duties of teachers and includes among them the enforcement of course of study, nothing is said about the use or production of A-V Aids.

Certificating Teachers

The State Board of Education is authorized to supervise and control the certification of teachers. The general statement is found in section 102(20.). That section also provides that the Board may prescribe rules and regulations for that purpose. As for Teacher, it is defined as any person engaged in instructional work directly or indirectly, in any educational institution below college or university level.

Other general information on the subject may be found in Chapter 2 Articles 1 and 2. However, the administration is not further discussed.

Accrediting Schools

The laws of Arizona contain no direct reference to the accrediting of schools. However, an idea as to how it may be handled may be inferred from other provisions.

In the section conferring on the State Board of Education its many powers a couple of subparts relate to courses and subjects. Subparts 15, 16 and 17 state that the State Board shall prescribe a course of study, subjects, and optional subjects. Then subpart 19 grants the Board the authority to determine the number of credits necessary for graduation. It seems fair to say that these provisions are an indication of where the authority might be deposited in the area of accrediting schools.

As though to make the area somewhat clearer, section 546 provides that the State Board is also the agency who ascertains whether a pupil may go from the eighth grade to high school.

Federal Aid to Education

The State Board is authorized to accept, on behalf of the State, monies appropriated by act of Congress for defense in education, for reduction of illiteracy, teaching of immigrants or other educational purposes. This language is found in section 1141. It also provides that the State Board is the chief educational authority for administration and supervision of the expenditure of federal appropriations. The State Treasurer is also the Trustee of the funds.

Once appropriated to the school Districts, the federal funds are to be used for the purposes and in the manner set forth in the grant. However, section 1142 states that in the absence of such federal regulation the State Board of Education shall determine the purposes and methods of expenditure.

Section 1143 permits any District who finds it necessary to expend monies in excess of its annual budget to apply for federal funds. The only limitation is that they be for those purposes listed in section 1142.

Library and Research Programs

The Board of Trustees of any school District may establish and maintain a District library pursuant to section 450. The library shall be located in the school house, and shall be under the direction of the Board. The Board of Trustees is also to submit reports to the County Superintendent, when requested. County free libraries or other public library facilities may also be established by the Board. The regulation of these libraries is performed by the Boards within rules prescribed for the government of them. At this point it is unclear who prescribes these rules. Presumably, it is the State Board of Education within one of its general grants of authority to control and supervise in section 102. Nevertheless, the Boards of Trustees are directed to purchase the library books, without any limitation expressed, according to section 445.

Since section 545 confers on the Boards of Education in the high school Districts the same authority that the Boards of Trustees have been given, it follows that they may also create and establish libraries along the same lines.

The laws, however, do not have any provision for research programs. The closest reference is that which authorizes teachers' conferences. These are to be called by the Superintendent pursuant to section 121 (4).

Arizona

Financial Aid to Education

Section 1202 describes the procedure by which the Boards of Trustees go about presenting their budgets to the taxpayers. Once it has been discussed, the Board is to adopt the budget and file it with the County Superintendent. He then delivers a copy to the Board of Supervisors of the County and the State Superintendent.

The legislature is directed by section 1211 to appropriate for the schools one-hundred seventy dollars per capita perannum. If the State legislature fails to make the appropriation, the State Board of Equalization, when determining the annual tax levy for State purposes, shall include an amount sufficient to meet the minimum requirements. All such monies appropriated, along with all income derived from the permanent fund for the benefit of common and high school education, is to be placed in the State School Fund for the credit of the State Board of Education. All this language is found in section 1211.

Section 1212 provides that (A.)"After making the necessary allowance for payment from the (S)tate (S)chool (F)und of amounts authorized for the (S)tate (B)oard in the general appropriations bill, the (B)oard shall apportion the balance remaining...to the several counties on the basis of ~~daily~~ average daily attendance..."

The Board of Supervisors of each County are directed by section 1222 to provide and set aside from the County General Fund an amount equal to twenty dollars per capita per annum for what is called Equalization Aid. The computation is based on the average daily attendance also. If there is any balance remaining at the end of the year, it is supposed to be contributed to the County General Fund. The Common School Districts that employ three or more teachers qualify for Equalization Aid, according to section 1223. That section also provides that this money is for operational expenses. Also in computing the amounts of Aid to be received, State and County Aid, Federal moneys received for Indian education, and the calculated tax yield are to be credited to the cost of education in each District. These funds are only to be apportioned to the Districts on the basis of need, as determined by section 1212.

The money apportioned to the Counties pursuant to section 1212, are received by the County Treasurers by the authority conferred by section 1231 and deposited in the County School Fund as directed by section 1238. That last section also lists other sources of the County School Fund, including the county levy authorized by section 1235, federal taxes and gratuities. The County School Fund is then apportioned by the County Superintendent, after deducting the amount for the Special County Reserve Fund. Section 1241, under which this function is performed, also provides that the apportionment shall be made on the basis of the average daily attendance.

The Special County Reserve Fund referred to in section 1241 is to be used for providing transportation to pupils, according to section 1246.

PRECEDING PAGES MISSING - Parts I + II

State: Arizona

Source of information unless otherwise stated: Title 15 of the Arizona Revised Statutes, 1960 edition

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

Sec. 15-442 relates to general powers and duties of boards of trustees. Each board is required to budget and spend for textbooks not more than 4% of the annual average daily attendance funds apportioned to the school district, which amount is not subject to the limitations of Sec. 15-1203. The following provision is then added:

"One fourth of the amount so budgeted may be expended for teaching aids relating to the textbooks selected."

Although there is no further explanation of the term "teaching aids", this evidently means non-textbook aids, or AV equipment of some kind, used in conjunction with the textbooks in classroom demonstrations.

State: Arizona

Source of information unless otherwise stated: Title 15 of the Arizona Revised Statutes, 1960 edition.

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject.
Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes — 2. Planning the use of AV aids

Sec. 121(4)

Yes — 3. Preparing curricula

(a) Secs. 102(15,16,17), 442(2), 545(B), 1071, 1072, 1074

Yes — 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

(b) Sec. 121(4)

Yes — 5. Organizing AV units and cooperative activities

(b) Secs. 121, 438, 450.

Yes — 6. Conferring on AV use outside of State educational structure

(b) Secs. 121,1191, 141,142

State: Arizona

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)
(b) Secs.445, 441

Yes 8. Selecting textbooks (and observing academic freedom)
(a) Secs. 1101, 102(18), 442(2)

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks
(b) Secs. 445,441, 102(18), 1101, 442(2)

Yes 10. Financing acquisition by rent or purchase
(a) Secs. 102(11), 121(3), 445(a)(2), 1103, 442(2)

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel
(b) Secs. 102, 441, 450, 445, 545(b)

Yes 12. Distributing AV aids
(b) Secs. 434,545, 442(2), 445

No 13. Producing AV aids

Yes 14. Certificating teachers and AV professionals
(a) Sec. 102(20)

Yes 15. Prescribing qualifications of using personnel
(b) Secs. 443, 438

State: Arizona

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

(b) Secs. 102(15,16,17,19), 546

Yes 17. Building or remodeling schools to facilitate AV use

Secs. 445(A)(4)(7), 445(B)(1)(2), 545

Yes 18. Federal aid to schools

(a) 1141, 1142, 1143

Yes 19. State aid to schools

Secs. 1202, 1211, 1212, 1222, 1223, 1231, 1235, 1238, 1241, 1246

Yes 20. Private aid to schools

Sec. 123(7)(a)

Yes 21. Library programs

(a) Sec. 450,445
(b) Sec. 545

No 22. Research programs

Yes 23. Institutes

Sec. 102(24)

Yes 24. Other established procedures

Secs. 121(4), 142

State: Arizona

PART IV - continued (4)

Topic 2 - Planning the use of AV aids

There is no direct legislation dealing with the planning of the use of AV aids. Possibly the general powers of the State Superintendent could be invoked for this purpose. Specifically, Sec. 121(4) makes it the duty of the State Superintendent to call an annual meeting of the county school superintendents for the purpose of discussing questions pertaining to schools. This meeting would afford a vehicle to discuss and develop a comprehensive plan for using AV aids in the public schools in the various counties.

Topic 3 - Preparing curricula

The courses of study in the Arizona schools are under the supervision of the State Board. Sec. 102(15) states that the Board shall prescribe and enforce a course of study in the common schools. Sub (16) directs the Board to prescribe the subjects taught in all common schools. Sub (17) authorizes a list of optional subjects to be taught in the common schools.

Sec. 442(2) directs the Boards of Trustees to enforce the courses of study prescribed and adopted by the State Board. However, that section relates only to common schools. Sec. 545(b) provides that the Boards of Education in the high school districts are permitted to prescribe their own courses of study, subject to the approval by the State Board.

Sec. 1071 states that the State Board is permitted to provide instruction in the use of firearms and hunting practices upon request of the local school. Many of the characteristics of AV instruction are found here. Sec. 1072 provides for the cooperation of the Fish and Game Commission along with the Rifle Association. Sec. 1074 authorizes the State Board to prescribe such courses, approve materials and certify instructors.....

Topic 4 - Advising subordinate units

Any advising would probably be done through the teachers' conferences which are provided for in Sec. 121(4). These are called by the State Superintendent annually, for the purpose of discussing questions pertaining to schools.

Topic 5 - Organizing AV units

The laws of Arizona do not provide for organizing of AV units. However, a number of related subjects may be referred to in order to get an idea of how units would be organized.

Sec. 121(4) empowers the State Superintendent to call annual meetings of county superintendents. By Sec. 438 the Boards of Trustees and presumably the Boards of Education, are authorized to employ professional help. Perhaps either of these agencies would have the authority to organize AV units.

State: Arizona

PART IV - continued (5)

Sec. 450 authorizes the Board of Trustees to create and establish both school and public libraries. This seems to be very close to organizing an AV unit.

Topic 6 - Conferring on use outside the system

Sec. 121(4) directs the Superintendent of Public Instruction to call annual superintendent conferences. It would seem that he would be permitted to contract with people outside the system of education for lectures and the like.

Sec. 1191 grants the Boards of Trustees and presumably the Boards of Education the permission to enter agreements with other states, counties, or territories for the exchange and employment of teachers or professors. Perhaps this authority may be used to employ special teaching personnel in the field of AV aids.

Sec. 141 establishes the Arizona School Board Association. Sec. 142 states that its purpose is to coordinate educational policies and procedures and promote uniform application of school laws of the state. They shall also recommend legislation relating to educational and allied subjects as are likely to effect an improvement in the public school system. This association may be the starting point for a discussion on the use of AV aids and for recommendations for legislation needed to facilitate the use of AV equipment.

Topic 7 - Selecting AV aids

Sec. 445 empowering the Boards of Trustees of the common school districts with the authority to purchase supplies, equipment, etc. without further provision would necessarily include the power of selecting said supplies and equipment.

Topic 8 (infra) dealing with selection of textbooks may throw some light on who has the ultimate say on selecting AV aids.

Topic 8 - Selecting textbooks

Sec. 102(18) provides that the State Board shall prescribe textbooks for the common schools, and shall prepare a list of three textbooks for each grade and each subject taught in the common schools for the selection by the school district of one book from such list for each student.

Sec. 442(2) provides that the Board of Trustees shall select all textbooks used in the schools from the multiple lists determined and authorized by the State Board pursuant to Sec. 102(18).

Sec. 1101 provides that the county superintendent shall select the desired books from the State Boards list and shall submit a request for the books so selected to the Secretary of the State Board. The State Board is then to supply the books requested by making contracts with the publishers, Sec. 1103.

State: Arizona

PART IV - continued (6)

In the case of supplementary books, the State Board is directed to prepare annually lists of approved books, from which the Boards of Trustees may select supplementary books, Sec. 1101.

In the case of high schools in Arizona, the laws are silent. Presumably they assume that the Boards of Education will perform the exact same function as the Boards of Trustees, as they are directed to do by Sec. 545, even in the field of supplying textbooks.

Sec. 442(5) grants to the Board of Trustees the power to exclude from schools all books, publications or papers of a sectarian, partisan, or denominational character.

Topic 9 - Acquiring AV aids, etc.

Sec. 445(2) provides that the board of trustees shall purchase school furniture, apparatus, equipment, library books, and supplies for the use of the schools.

Sec. 442(2) provides that the Board of Trustees shall purchase textbooks selected pursuant to Sec. 102(18) from the publishers under contracts negotiated by the State Board.

Also, by Sec. 1101 free textbooks for common schools may be acquired from the State Board on written request by the county superintendent through above negotiated contracts(see Topic 8).

Topic 10 - Financing acquisition

The State Board of Education is directed by Sec. 102(11) to devise plans for the management of the State School Fund and prepare a budget of expenditures necessary for proper maintenance of the Board and accomplishment of its purpose. Once this is done, the State Superintendent, subject to the supervision of the Board, is authorized by Sec. 121(3) to apportion the money to the several counties.

After the money is distributed to the districts within each county, the Boards of Trustees obtain control. Among the items which the Board of Trustees are authorized to purchase with this money are school furniture, apparatus, equipment, library books, and supplies. (Sec. 445(A)(2).)

Sec. 1103 provides that the State Board shall enter into a contract with the textbooks publisher for the purchase of textbooks to be furnished by said Board pursuant to Sec. 1101 requiring the State Board to furnish free textbooks to the common schools.

Sec. 442(2) provides that one-quarter of the budget for textbooks may be expended for teaching aids relating to the textbooks selected.

State: Arizona

PART IV - continued (7)

Topic 11 - Regulating use

As the Arizona laws do not provide for the regulation of AV aids, it may be helpful to refer to closely related areas.

Sec. 102(14) gives the State Board authority to exercise supervision over and regulate the conduct of the public school system. On the local level Sec. 441 provides that the Boards of Trustees, and the Boards of Education shall determine the management, condition and needs of the schools, prescribe and enforce rules for the government of the schools as well.

Pursuant to Sec. 102(15) all courses of study are supervised by the State Board. The Boards of Education for the high school districts are required to obtain its approval, Sec. 545(b).

Sec. 450 cites another related area which might be pertinent. That is the creation and establishment of libraries. The authority for this has been deposited in the hands of the Boards of Trustees and presumably the Boards of Education.

Topic 12 - Distributing AV aids

The Arizona laws do not provide for the distribution of AV aids as such. However, it is apparant that they would be distributed in much the same manner as textbooks or supplies and equipment, Secs. 442 and 445.

Sec. 434(3) the clerk of the Board of Trustees under the direction of the Board of Trustees shall provide all school supplies to the schools. Through this section the clerk would seem to be the distributing agent for the Board of Trustees and would be the logical one to distribute AV aids.

Topic 13 - Producing AV aids

No reference.

Topic 14 - Certificating teachers

The State Board of Education is authorized to supervise and control the certification of teachers. The general statement is found in Section 102(20). That section also provides that the Board may prescribe rules and regulations for that purpose. As for teacher, it is defined as any person engaged in instructional work directly or indirectly, in any educational institution below college or university level.

Other general information on the subject may be found in Chapter 2, Articles 1 and 2. However, the administration is not further discussed.

State: Arizona

PART IV - continued (8)

Topic 15 - Prescribing qualification

Since the Boards of Trustees employ all those who work in the schools, it appears as though they also determine most of their qualifications. The section granting this authority is 443. Sec. 348 lends support, and provides that the Board of Trustees may employ professional personnel deemed necessary. This same authority resides in the Boards of Education under its general provision.

Topic 16 - Accrediting Schools

There is no specific provision covering accrediting of schools. However, the power to do so seems to be in the State Board. Through Sec. 102(15, 16, 17) the State Board shall prescribe a course of study, subjects and optional subjects. Sub (19) grants the Board the authority to determine the number of credits necessary for graduation. It seems fair to say that these provisions are an indication of where the authority might be deposited in the area of accrediting schools.

Topic 17 - Building or remodeling schools

Sec. 445 giving the Board of Trustees control over school property empowers said board (A)(4) to construct school buildings when directed to do so by a vote of the district, and (A)(7) to construct, improve and furnish buildings used for school purposes when such buildings or premises are leased from the National Park Service, when directed to do so by a vote of the district.

Sub B of Sec. 445 provides that the Board of Trustees may include in its annual budget (1) the erection.....improving and furnishing of school buildings and appurtenances and (2) the improving and furnishing of buildings used for school purposes under (A)(7).

Apparently the Boards of Education in high school districts have the same power, Sec. 545.

Topic 18 - Federal aid

Sec. 1141 provides that the State Board may accept on behalf of the State, monies appropriated by act of Congress for defense in education, reduction of illiteracy, teaching of immigrants or other educational purposes. The State Board shall administer and supervise the expenditure of these federal appropriations.

Sec. 1142 provides that the State Board shall apportion these monies for the aid of the common and high school districts of the State, to supplement monies otherwise provided therefor. These monies will be expended for the purposes and in the manner set forth in the federal grant. In the absence of a federal regulation, the State Board shall determine the purposes and methods of expenditure.

State: Arizona

PART IV - continued (9)

Sec. 1143 permits the district who finds it necessary to expend monies in excess of its annual budget to apply for federal funds.

Topic 19 - State aid

Section 1202 describes the procedure by which the Boards of Trustees go about presenting their budgets to the taxpayers. Once it has been discussed, the Board is to adopt the budget and file it with the County Superintendent. He then delivers a copy to the Board of Supervisors of the County and the State Superintendent.

The legislature is directed by Section 1211 to appropriate for the schools one-hundred seventy dollars per capita per annum. If the State legislature fails to make the appropriation, the State Board of Equalization, when determining the annual tax levy for State purposes, shall include an amount sufficient to meet the minimum requirements. All such monies appropriated, along with all income derived from the permanent fund for the benefit of common and high school education, is to be placed in the State School Fund for the credit of the State Board of Education. All this language is found in Section 1211.

Section 1212 provides that (A) "After making the necessary allowance for payment from the state school fund of amounts authorized for the state board in the general appropriations bill, the board shall apportion the balance remaining.....to the several counties on the basis of average daily attendance....."

The Board of Supervisors of each county are directed by section 1222 to provide and set aside from the county general fund an amount equal to twenty dollars per capita per annum for what is called equalization aid. The computation is based on the average daily attendance also, If there is any balance remaining at the end of the year, it is supposed to be contributed to the county general fund. The common school districts that employ three or more teachers qualify for equalization aid, according to Section 1223. That section also provides that this money is for operational expenses. Also in computing the amounts of aid to be received, state and county aid, federal moneys received for Indian education, and the calculated tax yield are to be credited to the cost of education in each district. These funds are only to be apportioned to the districts on the basis of need, as determined by section 1212.

The money apportioned to the counties pursuant to Section 1212, are received by the county treasurers by the authority conferred by section 1231 and deposited in the county school fund as directed by section 1238. That last section also lists other sources of the county school fund, including the county levy authorized by section 1235, federal taxes and gratuities. The county school fund is then apportioned by the county superintendent, after deducting the amount for the special county reserve fund. Section 1241, under which this function is performed, also provides that the apportionment shall be made on the basis of the average daily attendance.

State: Arizona

PART IV - continued (10)

The special county reserve fund referred to in Section 1241 is to be used for providing transportation to pupils, according to Section 1246.

Topic 20 - Private aid

There is no direct reference to private aid. However, Sec. 123(7)(a) provides that the State Superintendent shall include in his annual report the amount of school money derived from other than federal funds or from county taxes. This means monies received for the State fund which undoubtedly would include private donations.

Topic 21 - Library programs

Sec. 450 provides that the Board of Trustees of any school district may establish and maintain a district library. The library shall be located in the school house and shall be under the direction of the Board.

County free libraries or other public facilities may also be established by the Board. The Boards of Trustees are directed to purchase the library books, without any limitation expressed, according to Sec. 445.

Since Sec. 545 confers on the Boards of Education in the high school districts the same authority that the Boards of Trustees have been given, it follows that they may also create and establish libraries along the same lines.

Topic 23 - Institutes

Sec. 102(24) authorizes the State Board to conduct a teachers' institute at times and places the Board deems advisable.

Topic 24 - Other established procedures

(See Topic 6) Sec. 121(4) provides for an annual meeting of county superintendents to be called by the State Superintendent for the purpose of discussing questions pertaining to public schools.

Sec. 142 provides for the Arizona School Board Association established to coordinate educational policies and procedures.....

ARKANSAS (1959-60)

Enrollment in full-time public schools:

Elementary	323,789
High School	100,417
Number of school districts (including non-operating)	422
Number of elementary schools	1,115
Number of high schools (including junior high)	590
Expenditure per pupil in average daily attendance	$225

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

ARKANSAS

County and Independent School Supervisors

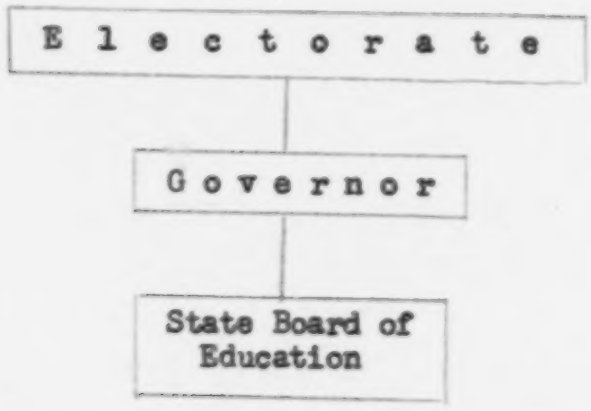
The school district administrators are referred to as school supervisors rather than school superintendents. There are 457 school supervisors in the State: 40 are county-intermediate supervisors, 35 are partial county-unit supervisors, and 382 are independent city or town supervisors. In the 40 county-intermediate counties, the supervisor performs mainly a service function.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 11.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 49-51.

A R K A N S A S

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

a. Schools...

State Board of Education.--Composed of 9 members, 1 selected from each of the 6 congressional districts of the State and the other 3 appointed at large within the State. Members are appointed by the governor subject to confirmation by the senate for 9-year overlapping terms. No person may serve as a member of the board who is (1) a candidate for public office or a holder of public office in the State, (2) a school teacher, the commissioner of education, a county or city superintendent, or a teacher or administrator of a State-supported college, or (3) a member of any board of trustees of any State institution of higher learning. Members must be qualified electors and persons of high moral standards and recognized ability.

b. Supplementary programs

State Textbook Selecting Committees (administrative).--A textbook committee consisting of five professional educators is appointed for each text adoption in each elementary school subject included in the State course of study. These committees are appointed by the State commissioner of education and approved by the State board of education.

3. Chief State School Officer

The commissioner of education is appointed by the State board of education and serves at the board's pleasure. To qualify for the office of commissioner of education, a person must (1) hold the master's degree from an accredited institution, (2) have 10 years' experience as a teacher, 5 of which were in an administrative or supervisory capacity, and (3) hold a valid State teacher's certificate.

7. Coordination of the State Education System Through Structure

There are 11 educational agencies responsible for coordinating the State system of education. The State board of education has the primary responsibility for State supervision of the public elementary and secondary programs ...

The State board of education is a statutory board.

9. Fiscal Coordination

Eleven State educational agencies submit budgets to the director of the department of finance and administration who in turn prepares and submits these budgets to the legislative council. The legislative council is composed of 20 legislative members of the last session of the general assembly: 6 appointed by the senate by caucus (1 from each congressional district), 12 appointed by the house by caucus (2 from each congressional district with the speaker of the house as ex officio member from his district), and 2 appointed by the governor (1 from the house and 1 from the senate). In addition, the lieutenant governor serves as an ex officio member.

The legislative council, when it receives the proposed budgets from the director of the department of finance and administration, may cut, increase, or eliminate items from the budgets as submitted prior to forwarding them to the general assembly.

ARKANSAS

(References are to Title 80 of the Arkansas Statutes Annotated, 1947 edition, 1960 replacement, unless otherwise stated.)

State Educational Structure

The State Board of Education is created by section 102. Among its officers, elected pursuant to section 107, is the Commissioner of Education, who is also the Secretary ex-officio of the Board. At the same time, section 118 empowers the Board to employ a Commissioner

Section 201 establishes the County Boards of Education. They are to supervise the public schools of the several counties, according to section 202. This is unless they employ a superintendent as the executive officer to direct the affairs of the school district. The County Boards elect as their ex-officio Secretary a County School Supervisor, as provided for in section 210.

In discussing the County Board of Education, section 215 states that the County School Supervisor shall be its executive officer. This means that the post is a dual one, combining both functions in one man.

All School Directors in all School Districts are appointed by the County Board of Education, according to section 216. Since 1931 there has been a consolidation of districts, so that there is only one kind. The authority for this act was section 401. Once the District was formed, the County Board of Education was directed to appoint a Board of Directors. They served until the next election. Then pursuant to section 406, they were elected. One of the officers of the District is a Treasurer, whose office is created by section 519.

For those city schools having a population in excess of 2,500, the District Board of Directors is empowered by section 534 to employ a City Superintendent. He operates under the direction of the Board.

Supervision and Authority

The State Board of Education has the general supervision of the public schools. This means that they are to recommend courses of study, issue certificates to teach, qualify and standardize public schools, supervise school budgets, supervise the purchase and distribution of text-books, and take such other action it deems necessary to promote the organization and increase of efficiency of the public schools. These functions are all enumeratedin section 113. Some of them are spelled out in greater detail. An example of this is section 114, which authorizes the Board to prescribe rules and regulations for certifying teachers and issue licenses.

The Commissioner of Education for the State is instructed to act as disbursing agent by section 118. His duties in relation to the distribution of text-books are spelled out by sections 1624, 1625, and 1702. The former are concerned with the high schools, whereas section 1702 discusses all free text-books.

The County Board of Education is to direct and supervise all those schools, except the ones which employ a Superintendent, in the Counties. This language is found in section 202. Other powers are listed in section 213. Among others the Board is to apportion all school funds as provided by law and in conformity with the State Board. Section 214 authorizes the County Boards to purchase property and equipment. The County Supervisor's duties listed in section 215 indicate that he is to act as a recording secretary for the Board. Other authority conferred on the County Supervisor by section 225 rarely goes beyond this scope. However, he is to observe the management and instruction in the County schools, advise with school officials regarding the proper conduct of the schools, and endeavor to improve their conditions. He can also require reports from all school superintendents and teachers as may be prescribed by the State Board of Education.

Section 534 makes it clear that City Superintendents perform the same duties as a County Superintendent. However, his reports are to be sent to the County Superintendent or Supervisor.

Selection of Textbooks

Although the State Board of Education is authorized generally to supervise the purchase and distribution of text-books by section 113, it is authorized to make rules and regulations for their distribution, require reports on both use and distribution, and do wharever else may be necessary for the general welfare of the text-book system. This language is found in section 1737. The purchase and management of those text-books supplied free is under the direction of the State Commissioner of Education. However, section 1702 clearly makes him subject to the approval of the State Board.

The statutes distinguish between free text-books, which are only given to students in grades 1 through 8, and high school text-books. The former are authorized by section 1701, while high school text-books are obtained through section 1624. The State Text-book Committees are appointed for each adoption for each elementary school subject by the authority conferred by section 1720. These Committees are directed to recommend books to the State Board, to whom they are presented by the State Commissioner. These acts are authorized by sections 1724 and 1726. On the other hand the Commissioner prepares the high school texts on his own, according to section 1624.

All schools with North Central Class A or B rating are designated local adopting units. Schools with a Class C rating or lower are grouped into 1 County adopting unit. These adopting units set up by section 1727 are directed to select the text-books upon the recommendation of the County Supervisor or Superintendent, after receiving notice of the adoption from the State Board. This authority is conferred by section 1728.

The State Board, in accordance with their general control over the area, also has been authorized to distribute the funds to ,the Districts on any equitable basis it adopts, pursuant to section 1733.

Courses of Study

Generally this area of the field of education is pre-empted by the State Board of Education. Pursuant to section 1601 the courses taught in the elementary schools are all subject to the approval of the Board. In the high schools the statutes only direct that certain minimum courses like American History and Civics be taught. The only course not permitted is the Doctrine of Evolution by section 1627. Otherwise the laws are not explicit as to what shall be taught in the schools.

Certification of Teachers and Standardization of Schools

Section 113 is the general grant of authority for the State Board to both certify teachers and standardize the schools. Although the statutes contain no additional reference to the grading of schools, there is a complete Chapter on certificating teachers.

Section 1201 directs the State Board, through its authorized agents, to conduct the examinations for teachers' certificates. The authorized agent is the Chief County School Officer in each County. He is created by section 1202X.

The rest of the sections contained in Chapter 12 go about explaining the subjects and requirements for teachers.

Library and Research Programs

The Arkansas Statutes only contain one minor reference to libraries. That is found in section 225(n). There the County Supervisor is directed to cooperate with the local school district boards in developing plans for the improvement of the rural schools. These plans are to include, whenever desirable, (1) the improvement of facilities pertaining to school buildings and school equipment, and (2) improvement of rural school libraries and teaching equipment. Since according to section 534 City Superintendents perform the same duties, it is plausible that these duties would include those listed above.

On the other hand the statutes discuss teachers' meetings, which are to be called by the County Supervisor, pursuant to section 225(d). That section also states that there shall be no less than two of these a year. The attendance of these meetings is provided for in section 1218. It directs all teachers, except those teaching in cities with populations above 5,000, to attend. The purpose of these meetings, according to the same section, is to have a general exchange of ideas in the working of schools. Again it is necessary to point out that the City Superintendents are to perform the same functions as the County Superintendents.

Advising Subordinates on Use and Prescribing Qualifications for Using Personnel

The statutes have no reference to either of these topics. However, the sections on certificating teachers may give a hint as to how the State may react to this problem.

All the power in the area of certificating teachers is in the hands of the State Board of Education. Section 113 is the general grant of authority in this field, just as it is in so many others. The Board even conducts the examinations through its duly authorized agent, according to section 1201.

Conferring on Use Outside the Educational System

There is no provision for conferring with anyone on the use of A-V Aids. The statutes even contain only a sparse reference to teachers' conferences. These are to be conducted by the County Supervisor and City Superintendent twice a year. The purpose is nothing more than an exchange of ideas in the working of schools. The last language is found in section 1218. Perhaps this indicates that any kind of conference would be called by the executive officer of each school District. Little more can be gleaned from so small a reference.

Selecting and Acquiring A-V Aids

There are no direct references to these subjects in the statutes at all. Nevertheless, the provisions on obtaining text-books are rather extensive. In the expectation that a similar procedure would prevail, it might be helpful to refer to that subject.

Section 1727 establishes what are called adopting units, according to classification of schools. They are directed to select the text-books upon the recommendation of their County Supervisor(and presumably City Superintendent), after having received notice from the State Board of Education. This language is found in section 1728.

The State Board also distributes the funds to the District which they use for the purchasing of their text-books, pursuant to section 1733.

The laws also establish a State Text-book Committees, whose function is to adopt books for each elementary school subject, as authorized by section 1720. At the same time high school text-books are obtained through the authority conferred on the State Commissioner by section 1624.

Distributing A-V Aids

The Arkansas laws have no clear statement on the subject of A-V Aids. Again it seems necessary to allude to those sections which discuss the operation of the acquiring of text-books.

The best help here is section 1737. In that section the State Board of Education is authorized to make rules and regulations for the distribution of text-books to the various Districts in the State. This appears to be fairly clear language indicating the desire of the State legislature to confer the authority of distribution in the hands of the State Board of Education.

Producing A-V Aids

The laws of Arkansas contain no reference, either direct or indirect, to the problem of producing A-V Aids. It appears that the State legislature either has not considered the problem, or the general grants of authority to the State Board of Education have been adequate to cover the area.

Organizing A-V Units

Since there are no provisions covering the field of A-V Aids, it is necessary to compare the sections on text-books in order to obtain an idea as to how the State legislature might react to this problem.

The schools are authorized to be adopting units, according to their ratings. Section 1727 further provides that these units are to select those text-books recommended by the County Supervisor, and presumably the City Superintendent. However, the funds used are distributed by the State Board of Education, pursuant to section 1733. It is the State Board who makes the initial adoption, too.

In the area of elementary school text-books it is the State Text-book Committees who make recommendations to the State Board of Education, according to sections 1724 and 1726.

Regulating A-V Aids

Although there are no provisions for regulating A-V Aids, it is apparent that the State Board of Education, in its capacity as the primary State agency in the field of education, would be the one to regulate their use.

The State Board has been empowered to supervise the public schools. It not only recommends courses of study, but also standardizes schools, distributes text-books, and certify teachers. These are all found in section 113. In these areas the Board also issues rules and regulations. An example of this is section 114 covering the subject of certifying teachers.

Once the State Board has been granted the general authority, the County Boards also have a number of important duties. They direct and supervise all their schools. In fact section 214 authorizes them to purchase surplus government property. However, these are rather limited functions.

Federal Aid

Section 123 is a declaration that the Arkansas General Assembly accepts all federal aid to education as may be provided by Congress. The State Board is also designated as the State Educational Authority for the purpose of representing the State in the administration of such funds. It is also empowered to promulgate such rules and regulations as are necessary to meet any and all requirements of the federal government. That same section also provides that the State Board make provision for the proper auditing and accounting of all federal funds and for making all necessary reports. By section 124 the State Treasurer is appointed Trustee for such funds.

Sections 140 and 141 also empower the State Board to receive and administer federal funds made available for assisting local school Districts in providing elementary and secondary school facilities. Some of the principles and standards to be followed by the State Board in coordinating with the federal grants, are found in section 142. The relative conditions of facilities within a District, relative financial ability to provide facilities by local taxes, and the relative debt obligations are examples of the criteria to be used.

Arkansas also receives federal funds from the income from the National Forests. Section 726 establishes the procedure for apportioning those funds. They are to be paid to the County Treasurer by the State Treasurer, who receives the money from the federal government.

Financial Aid to Education

The annual interest and income derived from the Permanent School Fund, (together with the State tax on taxable property provided for in section 6010 and so much of the annual revenue of the State as may be set apart by law for general purposes, and all other revenues and funds that may come into the State Treasury for such purposes shall constitute the Common School Fund(Public School Fund) of the State, and said fund shall each year be apportioned to the several Counties. Such is the language contained in section 704.

It is the State Board who, at its regularly quarterly meetings, apportions on a prorata basis all the revenue in the Common School Fund(Public School Fund) available for distribution. Section 713 also states that such apportionment is to be on the basis of the number of persons enumerated. That part of the Fund derived from the State property tax on the total school enumeration, the same amount being apportioned for each enumerate. The rest is to be apportioned on the basis of the school enumeration in the ratio that the total millage levied for local school tax by the District bears to 18 mills.

There is an authorized agent of the State Board who requisitions the funds from the State Auditor for the County Treasurers, according to section 715.

The General School Fund of any County shall be composed of all money received from the Common School Fund of the State, the per capita tax on the inhabitants of the County, such fines penalties, & and other money as shall be accrued to such funds in accordance with the law, and any appropriation from the general revenue of the County for general school purposes. This language may be found in section 721. After the County Board sets aside the funds for salaries and expenses of the County Superintendent's office, section 722 directs it to apportion the remainder on the basis the Common School Funds are apportioned to the Counties.

(Section 821 authorizes 10% of the electors of each school District to call a special election on the question of whether the County can be a County Equalizing School District. The purpose of so deciding is to vote for the allocation of funds to equalize educational opportunities, according to section 825. The County Board distributes all moneys derived from the County Equalizing School District pursuant to section 826. Section 827 points out that this does not affect the existing powers of the District.)

Section 853 establishes a Minimun Foundation Program. It is to be conducted according to the rules and regulations provided for by the State Board of Education, pursuant to section 867. The requirements for the aid are listed in section 865. Both the State under section 860 and the locality under section 859 contribute to the Minimum Foundation Program.

Since section 1538 permits anyone to refuse to attend any integrated school and to choose to receive gratuitous instruction, the parent of such a child is authorized by section 1539 to apply to the State Board of Education for tuition grants. These are to pay for instruction in any school other than the one normally attended. The amount of tuition grant is to be calculated on the basis of the average per capita expenditure per student for maintenance and

PRECEDING PAGE MISSING Parts I & II

State: Arkansas

Source of information unless otherwise stated: Title 80 of the Arkansas Statutes Annotated, 1947 edition, with 1961 Cumulative Pocket Part

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PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

Sec. 80-3901. Educational television commission - Creation.- There is hereby created an agency to be known as the Arkansas Educational Television Commission, hereinafter called the Commission. [Acts 1961, No. 198, Sec. 1, p. 732.]

Sec. 80-3902. Members - Qualifications - Appointment - Term - Successors - Vacancies - Compensation.- The Commission shall consist of seven (7) members, who shall be residents and qualified electors of the State of Arkansas, no more than two (2) of whom shall reside in the same congressional district. No member of the Commission shall hold any other office of profit or trust under the United States, the State of Arkansas or any political sub-division thereof or any office or employment paid in whole or in part by any funds derived from tax sources. The first seven (7) members of the Commission shall be appointed by the Governor with the advice and consent of the Senate, within fifteen (15) days after the passage and approval of this Act [Sections 80-3901-80-3906], one (1) for a term of seven (7) years, one (1) for a term of six (6) years, one (1) for a term of five (5) years, one (1) for a term of four (4) years, one (1) for a term of three (3) years, one (1) for a term of two (2) years, and one (1) for a term of one (1) year. Their successors shall be appointed by the Governor with the advice and consent of the Senate for terms of seven (7) years, Commissioners shall be eligible for reappointment. If a vacancy occurs at a time when the Senate is in session the Governor shall, with the advice and consent of the Senate, appoint another commissioner for the unexpired term. If such a vacancy occurs when the Senate is not in session the Governor shall appoint a Commissioner who shall take office immediately, but his appointment shall be subject to confirmation by the Senate at the next session of the Legislature. If the appointment of such commissioner is confirmed by the Senate he shall serve the remainder of the unexpired term. Each member of the Commission shall be entitled to receive $15.00 for each day actually engaged in the performance of his duties, plus an allowance for expenses for official travel in the state, not to exceed $10.00 for each day he is entitled to compensation, and the actual cost of his transportation and no more. [Acts 1961, No. 198, Sec. 2, p. 732.]

State: Arkansas

PART III - continued (2)

Sec. 80-3903. Interest in facilities prohibited.--No member of the Commission shall have any financial interest in any facilities such as the Commission is authorized to deal with, including any interest in any commercial television or radio station. [Acts 1961, No. 198, Sec. 3, p. 732.]

Sec. 80-3904. Organization -- Rules and Regulations -- Employees and agents.--Promptly after their appointment the Commissioners shall meet to organize. At such meeting they shall choose from their number a president, a secretary and such other officers as they deem necessary. Thereafter officers shall be elected annually. The Commission shall adopt rules regulating the conduct of its meetings and the transaction of the business of the Commission, and may appoint such agents and employees as it deems necessary, or may delegate to one or more of its members, officers, agents or employees such powers and duties as it deems proper and is authorized to do by legislation. [Acts 1961, No. 198, Sec. 4, p. 732.]

Sec. 80-3905. Purpose--Duties.--The Commission is organized for the purpose of making the benefits of educational television available to and promoting its use by inhabitants of Arkansas, and to this end it is hereby empowered and directed to survey, study and appraise the need for an over-all plan for the use of television facilities available for non-commercial educational use in the State. The Commission is specifically charged with the duty of controlling and supervising the use of channels reserved by the Federal Communications Commission to Arkansas for non-commercial, educational use. It may designate the location of stations to utilize such channels and make rules and regulations governing the operation of such stations and the programs televised over such channels. The Commission may own and operate teleivision stations to utilize these channels, or it may contract with individuals, corporation, educational institutions, or other governmental agencies for the operation of such stations. [Acts 1961, No. 198, Sec. 5, p. 732.]

Sec. 80-3906. Execution of contracts and acceptance of gifts or grants authorized.--The Commission is hereby authorized to execute all contracts and other instruments necessary and convenient to carry out the mandates of this Act [Secs. 80-3901--80-3906]. It may solicit and accept gifts or grants of money or property, real or personal, and voluntary and uncompensated services from any person, federal or other governmental agency, board of education, educational institution or commercial or industrial enterprise. [Acts 1961, No. 198, Sec. 6, p. 732.]

State: Arkansas

Source of information unless otherwise stated: Title 80 of the Arkansas Statutes Annotated, 1947 edition, 1960 replacement.

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject.
Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes 2. Planning the use of AV aids

Sec. 3905

Yes 3. Preparing curricula

(a) 1601, 1627
1613, 1614, 1618, 1621, 1622, 1626

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

Secs. 113, 213

Yes 5. Organizing AV units and cooperative activities

(b) Sec. 1727, 1724, 1726

Yes 6. Conferring on AV use outside of State educational structure

Sec. 1218

State: Arkansas

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)

(b) Secs.1727, 1728, 1733, 1720, 1624

Yes 8. Selecting textbooks (and observing academic freedom)

(a) Sec. 113, 1737, 1701, 1624, 1720, 1724, 1726, 1727, 1728
1702

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

(b) Sec. 1727, 1728, 1733, 1720, 1624
214,402

Yes 10. Financing acquisition by rent or purchase

Sec. 113, 1702, 1733

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel

(b) Sec. 113, 213, 1737

Yes 12. Distributing AV aids

(b) Sec. 1737 , 1733

No 13. Producing AV aids

Yes 14. Certificating teachers and AV professionals

(b) Secs. 113, 1201, 1202
114, 225

Yes 15. Prescribing qualifications of using personnel

Secs. 113, 114, 225, 1202, 1204

State: Arkansas

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

Sec. 113

Yes 17. Building or remodeling schools to facilitate AV use

Secs. 113, 225(n)

Yes 18. Federal aid to schools

(a) Secs. 123, 124, 140, 141, 142, 726

Yes 19. State aid to schools

Secs. 704, 713, 715, 721, 722, 853, 859, 860, 865, 867, 1538, 1539

Yes 20. Private aid to schools

Sec. 3906

Yes 21. Library programs

(a) 225(n), 534

Yes 22. Research programs

Sec. 113

Yes 23. Institutes

(a) Secs. 225(d), 1218, 534

Yes 24. Other established procedures

Sec. 225(d)

State: Arkansas

PART IV - continued (4)

Topic 2 - Planning the use of AV aids

Sec. 3905 - Purpose and duties of the Educational Television Commission (see Part III). The commission is empowered and directed to survey, study and apparise the need for an over-all plan for the use of television facilities available for non-commercial educational use in the State. The commission is specifically charged with the duty of regulating the use of channels reserved for non-commercial use.

Topic 3 - Preparing curricula

Sec. 1601 - All courses taught in the common or elementary schools are subject to the approval of the State board of education. Sec. 1613 requires that American history must be taught in the schools. Sec. 1614 requires a year's course in American history and civics for graduation from high school. Sec. 1618 requires a course on the effects of alcohol and Sec. 1621 requires that a course on conservation of natural resources be taught. Sec. 1622 requires a course in nature study to be taught in elementary schools. Sec. 1626 requires that a course in fire prevention should be taught in the primary grades.

Sec. 1627 prohibits the teaching of evolution.

Topic 4 - Advising subordinate units

The general supervisory powers of both the State board and the county board would necessarily include advising subordinates on use of AV equipment (see Secs. 113 and 213).

Topic 5 - Organizing AV units

There are no specific provisions dealing with this topic. (Topic 8 may provide a guide as to organizing AV units.)

Topic 6 - Conferring on use outside of educational system

The only authority for this topic would be Sec. 1218. It provides for teachers' conferences to be held twice a year. The purpose of the meeting is the exchange of ideas in the working of schools. These meetings are conducted by the county supervisor and city superintendent. (Also see Topics 23, 24.)

Topic 7 - Selecting AV aids

There is no direct reference to this subject in the statutes. A possible analogy could be drawn to the procedure used in selecting textbooks (see Topic 8).

Topic 8 - Selecting textbooks

Sec. 113 provides that the State board of education is authorized generally to supervise the purchase and distribution of textbooks. Sec. 1702 places the management of the purchase and distribution of textbooks under the State commission.

State: Arkansas

PART IV - continued (5)

The statutes distinguish between free textbooks, which are only given to students in grades one through eight (Sec. 1701), and high school textbooks, Sec. 1624. The free textbooks are selected by a textbook committee, Sec. 1720. They recommend books to the State Board, Secs. 1724, 1726. High school textbooks are selected by the State commissioner, Sec. 1624.

Topic 9 - Acquiring AV aids, supplies, equipment and textbooks

There is no specific statute dealing with acquiring AV aids. An analogy can be drawn between acquiring AV aids and acquiring textbooks.

Sec. 1727 establishes what are called adopting units according to classification of schools. They are directed to select the textbooks upon the recommendation of their county supervisor, after having received notice from the State board, Sec. 1728.

Sec. 214 grants to the county board the power to purchase government surplus property and equipment.

Sec. 402 grants to all school districts the power to acquire and hold real estate and all other classes of property.

Topic 10 - Financing acquisition

As stated in Topic 8 the State board is authorized to supervise the purchase of textbooks, Sec. 113, and administered by State superintendent, Sec. 1702.

Sec. 1702 provides that the legislature will make the necessary appropriations for carrying into effect the purchase of the textbooks.

Sec. 1723 provides that the State board shall distribute the textbook funds to the districts in the State. These funds are to be used for purchasing the acceptable textbooks.

Topic 11 - Regulating use

Generally, the State board is empowered to supervise the public schools. It not only recommends courses of study, but also standardizes schools, distributes textbooks, and certifies teachers, Sec. 113.

The county board, under Sec. 213, is authorized to supervise and direct all schools in its county.

Sec. 1737 requires school directors and county supervisors to make reports to the State board on the use and distribution of textbooks.

State: Arkansas

PART IV - continued (6)

Topic 12 - Distributing AV aids

The Arkansas laws have no clear statement on the subject of AV aids. Again it seems necessary to allude to those sections which discuss the operation of the acquisition of textbooks.

Sec. 1737 provides that the State board is authorized to make rules and regulations for the distribution of textbooks to the various districts in the State. This is also supported by Section 1733 providing that the distribution be upon any common and equitable basis adopted by the State board.

Topic 14 - Certificating teachers and AV professionals

Secs. 113 and 114 grant authority to the State board to prescribe rules and regulations for certifying qualified teachers. They shall issue licenses to teachers to teach in the public schools.

Sec. 1202 - The chief county school officer (county supervisor, Sec. 225) shall be the authorized agent of the State board of education in administering and conducting teachers' examinations.

(The remainder of Chapter 12 explains the subjects and requirements for teachers.)

Topic 15 - Prescribing qualifications of using personnel

The sections providing for certification and examination of teachers (see Topic 14) would seem to include the power to prescribe qualifications for persons using AV equipment. The requiring of examinations is in effect prescribing a certain standard which persons must meet (qualifications) before they can be admitted to teach or demonstrate equipment in the public schools.

Sec. 1204 spells out the qualifications for persons wishing to apply for a teaching position in the public schools.

Topic 16 - Accrediting schools.

Sec. 113 empowers the State board to qualify and standardize public schools and prescribe requirements for accrediting and grading public schools.

Topic 17 - Building or remodeling schools

Sec. 113 - The State board shall prepare and distribute plans and specifications for the construction and equipment of school buildings and approve plans and expenditures of public school funds for all new school buildings.

Sec. 225(n) - The county supervisor is directed to cooperate with the local school district boards in developing plans for the improvement of the rural schools.....

State: Arkansas

PART IV - continued (7)

Topic 18 - Federal aid

Section 123 is a declaration that the Arkansas General Assembly accepts all federal aid to education as may be provided by Congress. The State board is also designated as the State Educational Authority for the purpose of representing the State in the administration of such funds. It is also empowered to promulgate such rules and regulations as are necessary to meet any and all requirements of the federal government. That same section also provides that the State board make provision for the proper auditing and accounting of all federal funds and for making all necessary reports. By section 124 the State treasurer is appointed trustee for such funds.

Sections 140 and 141 also empower the State board to receive and administer federal funds made available for assisting local school districts in providing elementary and secondary school facilities. Some of the principles and standards to be followed by the State board in coordinating with the federal grants, are found in section 142. The relative conditions of facilities within a district, relative financial ability to provide facilities by local taxes, and the relative debt obligations are examples of the criteria to be used.

Arkansas also receives federal funds from the income from the National Forests. Section 726 establishes the procedure for apportioning those funds. They are to be paid to the county treasurer by the State treasurer, who receives the money from the federal government.

Topic 19 - State aid

The annual interest and income derived from the permanent school fund, together with the State tax on taxable property provided for in Section 6010 and so much of the annual revenue of the State as may be set apart by law for general purposes, and all other revenues and funds that may come into the State treasury for such purposes shall constitute the common school fund (public school fund) of the State, and said fund shall each year be apportioned to the several counties. Such is the language contained in section 704.

It is the State board who, at its regularly quarterly meetings, apportions on a pro rata basis all the revenue in the common school fund (public school fund) available for distribution. Section 713 also states that such apportionment is to be on the basis of the number of persons enumerated. That part of the fund derived from the State property tax on the total school enumeration, the same amount being apportioned for each enumerate. The rest is to be apportioned on the basis of the school enumeration in the ratio that the total millage levied for local school tax by the district bears to 18 mills.

State: Arkansas

PART IV - continued (8)

There is an authorized agent of the State board who requisitions the funds from the State auditor for the county treasurers, according to Section 715.

The general school fund of any county shall be composed of all money received from the common school fund of the State, the per capita tax on the inhabitants of the county, such fines,penalties and other money as shall be accrued to such funds in accordance with the law, and any appropriation from the general revenue of the county for general school purposes. This language may be found in Section 721. After the county board sets aside the funds for salaries and expenses of the county superintendent's office, Section 722 directs it to apportion the remainder on the basis the common school funds are apportioned to the counties.

Section 853 establishes a minimum foundation program. It is to be conducted according to the rules and regulations provided for by the State board of education, pursuant to Section 867. The requirements for the aid are listed in Section 865. Both the State under Section 860 and the locality under Section 859 contribute to the minimum foundation program.

Since Section 1538 permits anyone to refuse to attend any integrated school and to choose to receive gratuitous instruction, the parent of such a child is authorized by Section 1539 to apply to the State board of education for tuition grants. These are to pay for instruction in any school other than the one normally attended. The amount of tuition grant is to be calculated on the basis of the average per capita expenditure per student for maintenance and instruction.

Topic 20 - Private aid

Sec. 3906 (see Part III) provides that the educational television commission may solicit and accept gifts or grants of money or property, real or personal, and voluntary and uncompensated services from any person, federal or other governmental agency, board of education, educational institution or commercial or industrial enterprise.

Topic 21 - Library programs

The Arkansas Statutes only contain one minor reference to libraries. That is found in Sec. 225(n). This section provides that the county supervisor is to cooperate with the local school district board in developing plans for..... improvement of rural school libraries and teaching equipment.

Since according to Section 534 city superintendents perform the same duties, it is plausible that these duties would include the above duty.

State: Arkansas

PART IV - continued (9)

Topic 22 - Research programs

Sec. 113 provides that the State board may take such action as it deems necessary to.....promote the organization and increase the efficiency of the public schools of the State.....

This would indicate that the board may conduct studies to improve educational facilities.

Topic 23 - Institutes

Sec. 225(d) provides that the county supervisor shall call no less than two teachers' meetings. Sec. 1218 directs all teachers, except those teaching in cities with populations above 5,000, to attend. The purpose of these meetings is to have a general exchange of ideas in the working of schools.

Again it is necessary to point out that the city superintendents are to perform the same functions as the county superintendents. (Sec. 534)

Topic 24 - Other established procedures

Sec. 225(d) provides that the county supervisor shall organize teachers' associations in the county.

CALIFORNIA (1959-60)

Enrollment in full-time public schools:

Elementary	2,473,392
High School	726,063
Number of school districts (including non-operating)	1,721
Number of elementary schools	4,647
Number of high schools (including junior high)	876
Expenditure per pupil in average daily attendance	$424(estimated)

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

CALIFORNIA

County and Independent School Superintendencies

There are 917 school superintendencies in the State, including 52 county-intermediate superintendencies, 4 complete county-unit superintendencies, and 2 partial county-unit superintendencies. The remaining 859 are independent city or town superintendencies. The superintendents in 51 of the 52 county-intermediate superintendencies perform all administrative functions for areas comprised of two or more local districts, each district operating its schools independently. ....

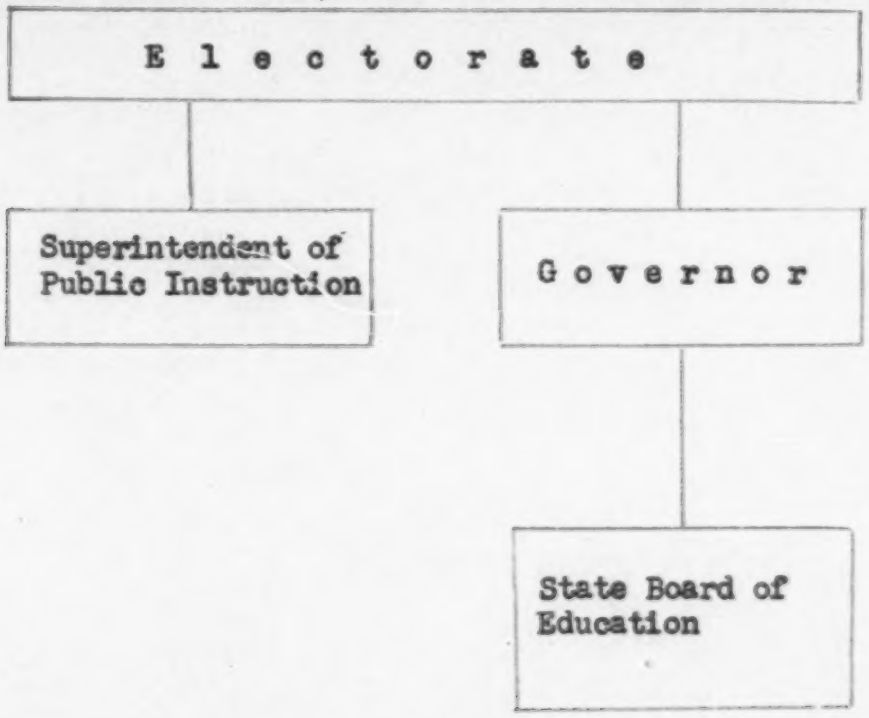
Technically, all school districts in this State are under the county superintendent. However, there are "unified school districts" which are largely self-contained, having elementary, high, and junior college levels within the organization. In other cases, the elementary, high school, and junior college districts exist separately.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 17.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 52-53.

C A L I F O R N I A

1. State Educational Structure Chart(relating only to elementary & secondary public schools)



2. State Education Board

   a. Schools....

      State Board of Education.--Composed of 10 members appointed by the governor, with the advice and consent of two-thirds of the senate, for 4-year overlapping terms. The board is the governing and policy-determining body of the State department of education....

   b. Supplementary programs

      State Curriculum Commission.--(advisory) Composed of the superintendent of public instruction and 10 additional members appointed by the State superintendent, with the approval of the State board of education, for 4-year terms. The appointive members shall contain at least 1 county superintendent, 1 city superintendent, 1 person employed in a junior college requiring certification qualifications, 1 high school principal, 1 elementary school principal, 1 college teacher of education, and 1 classroom teacher.

      Commission of Credentials (administrative).--Consists of the State superintendent and four persons appointed by him.

3. Chief State School Officer

   The superintendent of public instruction is elected for a 4-year term on a no-party ballot by the qualified electors of the State. The superintendent serves ex officio as the director of education. The director of education is vested with all executive and administrative functions of the department of education and is the executive officer of the State board of education.

7. Coordination of the State Education System Through Structure

Two agencies, the superintendent of public instruction and the State board of education, share the primary responsibility for State supervision of the regular elementary and secondary school program....

8. Coordination of the State Education System Through Ex Officio Memberships

The superintendent of public instruction serves ex officio on the .... (c) State curriculum commission, and (d) commission of credentials

9. Fiscal Coordination

Three State educational agencies submit budgets to the governor who is the chief budget officer of the State. These are the State superintendent of public instruction, the State board of education ...

The governor is authorized to modify the budget requests for educational agencies in the presentation of the governor's budget to the legislature. He has a considerable amount of power in coordinating the educational budget requests.

State: California

Source of information unless otherwise stated: Education Code, 1961, Volumes 1 and 2 (compiled by A. C. Morrison, Legislative Counsel)

PART I

Educational Organization

State level:

Department of Education: called Department of Education

how organized: administered through State Board of Education and Director of Education, Secs. 352 and 355. There is a Division of Libraries and such other divisions as the Director recommends and the Board establishes, Sec. 362.

established by: Sec. 351

is it a body corporate: no

State Board of Education: called State Board of Education

established by: Sec. 101

is it a body corporate: no. It is "in the State Government", which is a sovereign corporation

composition: 10 members, ibid.

how selected: appointed by Governor, ibid.

is confirmation necessary: yes, consent of 2/3 of Senate, ibid.

subject to what control: --

to whom reporting: Governor, biennially, Sec. 158.

term of office: 4 years, staggered, Sec. 102

meetings: at least 6 times a year, Sec. 108

Chief state school officer: called Supt. of Public Instruction, ex officio Director of Education, Sec. 354

office established by: Art. IX, Sec. 2, Constitution

how selected: popular election, ibid., but vacancy filled by appointment by Governor, Sec. 201

is confirmation necessary: no

subject to what control: electorate

to whom reporting: Governor, Sec. 261; to State Board of Education, as executive officer, Sec. 105

term of office: 2 years, Art. IX, Sec. 2, Constitution, same as Governor.

staff and who appoints: Deputy Supt. & association Supts., apptd. by State Bd. of Educ. upon nomination by Supt. Pub. Instr., under Sec. 2.1 of Art. IX of Const. but duties assigned by Supt. of Pub. Instr., Sec. 301

Other organization or official: called State Council of Educ. Planning & Coord., Sec. 501, State Curriculum Com. 7501-7510

State: California

PART I

Educational Organization (continued)

Intermediate level:

Organizational unit: called County (except in combination city-county district)

how organized: Sec. 601

composition: as stated above

is it a body corporate: not stated, and probably not for school administration

Board of education, if any: called County Board of Education except in combination city-county, where there is none, Sec. 601

established by: Sec. 601

is it a body corporate: not stated, but probably not.

composition: 5 or 7 members, Sec. 601

how selected: popular election, Sec. 605, at time of election of "governing boards" of component school districts

is confirmation necessary: no

subject to what control: State Board (Regulations) and Supt. of Public Instruction, Sec. 651

to whom reporting: on budget to county board of supervisors; on county school fund budget to Supt. of Public Instruction, Sec. 651

term of office: as determined for each county (Sec. 605) by county committee on school district organization.

Meetings: at least once a month, Sec. 609

Administrative officer of unit: called County Supt. of Schools

office established by: Art. IX, Sec, 3, Constitution

how selected: Popular election, ibid.

is confirmation necessary: no

subject to what control:

to whom reporting: Supt. of Public Instruction, Sec. 803, and County Board, Secs. 652, 653.

term of office: 2 years, Art. IX, Sec. 3, Constitution

staff and who appoints: deputy (Sec. 851) and certificated personnel (Sec. 854) appointed by County Supt.

State: California

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called City School District

how organized: --

composition: --

is it a body corporate: not stated, but probably so for special school purposes.

Board of education: called City Board of Education

established by: Sec. 1201

is it a body corporate: no

composition: (a) 7 members in city of over 1,900,000 (Sec. 1203)
(b) same as other boards

how selected: elected under laws governing the respective cities, Sec. 1201

is confirmation necessary: no

subject to what control: electorate

to whom reporting: same as district board of trustees

term of office: 4 years, Sec. 1203

Administrative officer of unit: called City Supt. of Schools

office established by: Sec. 1533

how selected: Elected by City Board of Education, Sec. 1534

is confirmation necessary: no

subject to what control: City Board of Education

to whom reporting:

term of office: 4 years, Sec. 1534 or under terms agreed upon, Sec. 1535

staff and who appoints: as determined by Bd., Sec. 1533

The legislation for the City Board of Education provides for possibility that there may be more than one basic school district within the jurisdiction of this Board which puts it in some respects at the intermediate level (See Secs. 1204, 1202.)

State: California

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called school district

how organized:

composition:

is it a body corporate: not stated, but probably so, since it is the district which is suable (Secs. 906, 905, 902)

Board of education: called board of school trustees

established by: Sec. 901

is it a body corporate: no

composition: 3 or 5 members, Sec. 938

how selected: biennial popular election, Sec. 939
by "trustee areas" if established in district

is confirmation necessary: no (Sec. 977.03)

subject to what control: electorate

to whom reporting: County Supt., Sec. 984

term of office: 4 years, staggered, Sec. 939

Administrative officer of unit: called district superintendent

office established by: Sec. 1531

how selected: Elected by board, Sec. 1534

is confirmation necessary: no

subject to what control: district board, Sec. 1551

to whom reporting: district board

term of office: 4 years, Sec. 1534, or as agreed with board, Sec. 1535

staff and who appoints: deputy and assistant supt. as board deems necessary, Sec. 1532, admin. adviser 998, dir. of school planning

Some slight variations or combinations in case of governing boards of Union and Joint Union Districts (Sec. 1171-1174), Elementary School Districts (Sec. 1231-1303); High School Districts (Sec. 1321-1392) and Unified Districts (Sec.1481-1493). For City School Districts see next page.

State: California

PART I

Educational Organization (continued)

Schools

Principals

appointed by: local board ("governing board") Sec. 1000 and Sec. 1001
qualifications: teacher's and administrator's certificate, Sec. 13278, 13279
term of office: 1 to 4 years (Sec. 13305) but may become permanent (Sec. 13304)

Teachers

appointed by: "governing board" of local district, Sec. 13274
qualifications: certification as required, Sec. 13274, and for the grade taught, Sec. 13282
certification: for grade and class as required and issued by State Bd. of Education, Secs. 13111 & 13112.
tenure: 1 to 4 years (Sec. 13305), but may become permanent (Sec. 13304)
special assignments: controlled by local board, Sec. 1002

State: California

Source of information unless otherwise stated: Education Code, 1961, Volumes 1 and 2 (compiled by A. C. Morrison, Legislative Counsel)

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

The School Laws of California are contained in the Education Code, Volumes 1 (875 pages) and Volume 2 (2,235 pages) which includes some constitutional provisions and numerous laws on other subjects relating, in their general application, to finances, personnel, and procedures in the educational establishment. There is also a 1960 edition of the California Administrative Code, Title V, Education, which has 439 pages of rules and regulations issued by the State board of education, the superintendent of public instruction and several organizations, all relating to the system of public education.

Article IV, Section 25, of the Constitution of California (May 7, 1879) reads in part as follows:

> "The Legislature shall not pass local or special laws in any of the following enumerated cases, that is to say:...
>
> "Twenty-seventh--Providing for the management of common schools.
>
> "Twenty-eighth--Creating offices, or prescribing the powers and duties of officers in.....school districts."

While these constitutional provisions might seem somewhat restrictive --certainly for the enactment of legislation differentiated locally-- they have not served as a deterrent on the State Legislature to enact what is probably the largest, most detailed, and most complex body of laws on public education of any State in the Union.

There probably could be no attack on this legislation for unconstitutionality for two reasons. First, the actual "management of common schools" is still at the local level. And second, the many provisions which do create offices or prescribe the powers and duties of officers

in school districts can be characterized as "class legislation" coming within the authority of the police powers of the State to regulate.

In the thousands of sections or separate statutes appearing in the Education Code, and numbered from 1 to 31,754 but with with broken sequence, there are minutely detailed provisions for the widest range of activities involved in the system of public education. This probably represents the ultimate in the regulation of public education in express terms, and is in striking contrast to the terse, general provisions appearing in the laws on public education in a number of other States, notably some of the older ones. Such broad, general terms have sometimes been criticized for indefiniteness in the description of powers and duties and for inappropriateness to the complexities of modern life. Yet in most cases they lend themselves readily to broad judicial interpretation of their applicability to modern situations not clearly foreseen when they were enacted. The minute details of the California statutes, on the other hand, suggest the possibility of a latent defect lying in the very minuteness of the laws. The old legal maxim, expressio unius exclusio alterius est, suggests a possibility, perhaps remote, that if some particular provision has through oversight been omitted from the many other details provided for in a law, then a court cannot supply it through a broad judicial interpretation. Perhaps this possibility has been avoided, however, by provisions of Section 2 of the Education Code which reads as follows:

> "The Code establishes the law of this State respecting the subjects to which it relates, and its provisions and all proceedings under it are to be liberally construed, with a view to effect its objects and to promote justice."

In the Education Code, the State Legislature has coordinated all public education into a closely integrated system and has given to officials and organizations of the State and intermediate levels powers and duties to administer the whole system and to exert strong leadership for this general purpose. Thus, while operational activities are still under control of local units, officials with State-wide or with regional authority influence local activities to a very considerable extent. These officials also engage in many activities connected with the University of California, State colleges, special schools, private educational institutions, and the State library system. In some cases, such activities and institutions may affect, at least indirectly, the administration of the elementary and secondary public schools and AV programs.

State Board of Education

The State Board of Education is "in the State Government" and consists of 10 members appointed by the governor with the advice and consent of 2/3 of the Senate, Sec. 101, each for a term of 4 years, staggered tenure, Sec. 102. One member is elected by the

State: California

PART II - continued (3)

Board to serve as president, Sec. 104, and the Superintendent of Public Instruction shall be secretary and shall act as executive officer of the board, Sec. 105, but during his absence from the State or incapacity, an acting secretary elected by the Board shall serve, Sec. 106.

The State Board meets at least 6 times a year, Sec. 108(more frequently than many), and may call special meetings, Sec. 109. All regular meetings are open, but executive sessions can be held for certain purposes, Sec. 111.

Pursuant to Sec. 151, "the board shall determine all questions of policy within its powers." This includes the duty to be the "governing and policy determining body of" the Department of Education, Sec. 352(a).

The board is directed by Sec. 152 to adopt rules and regulations for the "government" of (a) itself, (b) its appointees and employees, (c) the day and evening elementary and secondary schools, and the technical and vocational schools, as well as (d) other such schools, except the University of California and the California State Colleges, which may receive financial support from the State in whole or in part.

This power extends to regulation of certain instruction by correspondence courses in school districts, Sec. 8301, the supply, use, and distribution of State textbooks, Secs. 9501, 9653, the investigation of textbooks said to contain sectarian or denominational doctrine contrary to law or propaganda injurious to the welfare of the public schools, Sec. 9959, and the State library system, Sec. 27004, as well as other matters. Pursuant to this authority the State Board of Education has issued extensive regulations appearing in California Administrative Code, Title 5, Education.

Under Sec. 153 of the Code, "the board shall study the educational conditions and needs of the State.....make plans for the improvement of the administration and efficiency of the public schools of the State." This could easily extend to planning for the use of AV.

Sec. 157 directs the board to "cause the State Printer or other officer having the management of state printing to do any printing required by it", but all orders for this purpose must first be approved by the Department of Finance. The State Board uses this authority for many purposes, of course, but these include the printing of the numerous publications dealing with AV material.

Sec. 158 requires the State Board to report biennially to the Governor concerning its activities, its future needs, and its recommendations for legislative amendments or additions to existing laws.

State: California

PART II - continued (4)

A 1912 amendment to the Constitution, appearing in Article IX (Education), Sec. 7, reads in part as follows:

> "The Legislature shall provide for the appointment or election of a State Board of Education, and said board shall provide, compile, or cause to be compiled, and adopt, a uniform series of textbooks for use in the day and evening elementary schools throughout the State. The state board may cause such textbooks, when adopted, to be printed and published by the superintendent of state printing, at the State Printing Office; and wherever and however such textbooks may be printed and published, they shall be furnished and distributed by the State free of cost or any charge whatever, to all children attending the day and evening elementary schools of the State, under such conditions as the Legislature shall prescribe. The textbooks, so adopted, shall continue in use not less than four years, without any change or alteration whatsoever which will require or necessitate the furnishing of new books to such pupils, and said state board shall perform such other duties as may be prescribed by law."

In implementing this directive, the Legislature has provided some 13 pages of statutes, Secs. 9301-9851, on the selection, procurement, and production of textbooks for <u>elementary</u> schools, and related matters.

Under Sec. 9302 the State Board of Education is directed to <u>adopt</u> one or more basic textbooks for each of the general subjects prescribed for elementary schools in Sec. 7604, and it <u>may</u> adopt other textbooks, supplementary textbooks, and teachers' manuals for those schools indicating the period of time for their use (minimum 4, maximum 8 hears), with provision for extension. It is provided, however, that the "governing board" of any school district, or any county library, may purchase such supplementary "textbooks" as are required.

The State Curriculum Commission, under Sec. 9303, <u>shall</u> recommend to the State Board specifications for textbooks suitable to meet minimum standards for courses of study and, under Sec. 9304, <u>may</u> make recommendations to the Board concerning specific textbooks proposed, giving preference to those produced in California. The Board is required, by Sec. 9305, to give this Commission a public hearing, and, by Sec. 9306, to make the textbook available for public inspection in at least 10 libraries, before final adoption of any textbook.

Under Sec. 9307, the State Board <u>shall</u> provide suitable textbooks for the use of pupils in the elementary schools and for the teachers.

State: California

PART II - continued (5)

Under Sec. 9351, the State Board may (a) compile and manufacture textbooks now in use, (b) compile and manufacture "additional textbooks or books" deemed necessary for use in elementary schools, (c) purchase books or lease plates, maps, engravings or copyright material for manufacturing textbooks, (d) contract for copyright material for this purpose, (e) provide for paying royalties, and (f) arrange for the printing of textbooks by the State Department of Finance. Sec. 9352 states that "the cost of publishing textbooks, and teachers' manuals shall be paid out of funds appropriated for publishing, purchasing and shipping free textbooks" Other provisions relate to bids, contracts, royalties and the printing of such books by the Department of Finance.

Whether or not textbooks are produced in this manner, the State Board determines, after they have been "adopted", the time when they shall be put into use, Sec. 9451, the Superintendent of Public Instruction gives notice, Sec. 9452, and thereafter the State Board "shall enforce the uniform use of textbooks in the grades of the public elementary schools for which they are adopted"; but none of these sections (9451-9453) shall restrict the additional use of supplementary books purchased for school libraries, Sec. 9454.

The Superintendent of Public Instruction is required to distribute the "state textbooks" to school districts and county superintendents of schools, Sec. 9501, and "no charge shall be made to any school district or superintendent of schools for state textbooks or teachers' manual to be used in grades one through eight of the public schools, nor.....to any pupil or teacher" for their use, Sec. 9502.

These various provisions relating to textbooks have been referred to at length, because it seemed possible that some AV material might be supplied to the schools free, in the same manner as textbooks, as in some other States. However, this does not seem to be the case, because of accounting controls and the existence of detailed legislation on AV supplies and services.

The inapplicability of the free textbook laws to free supply of AV equipment is further suggested by Sec. 1528 of Title 5 of the Administrative Code which reads in part as follows:

"For the purpose of providing audio-visual services to contracting districts in a county as provided by Education Code Sections 8851-8856 [referred to above], the Superintendent of Public Instruction shall allow the amount requested by the county superintendent of schools or the amount contributed by districts in the county during the preceding fiscal year for audio-visual services, whichever is the lesser....."

And Section 1529 of the Administrative Code, Title 5, reads as follows:

State: California

PART II - continued (6)

"The allowances, federal allocations and contributions for audio-visual services shall be kept as a restricted portion of the county school service fund of the county and shall be expended only for audio-visual purposes." (emphasis supplied)

The State Board is designated by Sec. 553 as the State agency to carry out the purposes and provisions of the NDEA, to make and alter plans, for that purpose, and is invested with all necessary powers therefor. Sec. 554 authorizes it to receive and expend all moneys provided for this program by Congress.

Department of Education

There is in the State government a Department of Education, Sec. 351, administered through:

(a) The State Board of Education which shall be the governing and policy determining body of the department, and

(b) The State Director of Education in whom all administrative and executive functions of the department are vested and who is the executive officer of the State Board of Education, Sec. 352.

The department shall be "conducted under the control of an executive officer known as the Director of Education", Sec. 353, who, ex officio, is the State Superintendent of Public Instruction, Sec. 354.

Sec. 359 reads: "The Department of Education shall be in possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land, and other property, real or personal, now or hereafter held for the benefit of the bodies, offices, and officers whose duties, powers, purposes, responsibilities, and jurisdiction are transferred to and vested in the Department of Education."

Sec. 360 reads: "The Department of Education shall administer and enforce all laws now or hereafter imposing any duty, power, or function upon any of the bodies, offices, officers, deputies, or employees transferred to the Department of Education under the provisions of Section 357."

Sec. 362 provides that the State Board of Education, upon recommendation of the Director of Education (State Superintendent of Public Instruction) may establish such divisions in the Department as it deems necessary for the conduct of business, in addition to the Division of Libraries, established by law (Sec. 27001), in charge of a "State Librarian" (Sec. 27002). No statutory or regulatory provision is made for establishment of an audio-visual division, but functions relating to AV programs are divided among officials of other divisions at the State level and officials at the intermediate level by different statutes and administrative practices.

State: California

PART II - continued (7)

Several statutes designate the Department of Education as the State agency to serve in an administrative capacity for certain purposes, but none relates specifically to AV, and the incidental powers conferred are such as might be implied from the basic nature and function of the department.

State Council of Educational Planning

Sec. 501 established a 7-member Council of Educational Planning and Co-Ordination, but its function is to study problems affecting the relationship between the public schools and the University of California, and any planning activities involving AV programs--for instance, educational TV broadcasts, or production of AV aids by the University--would be incidental to general powers and would rest upon more specific authority expressed in separate statutes.

Superintendent of Public Instruction (Director of Education)

As indicated in Part I, this office is Constitutional. The function of this official is described in Sec. 252, as follows:

> "The Superintendent of Public Instruction shall execute, under direction of the State Board of Education, the policies which have been decided upon by the board and shall direct, under general rules and regulations adopted by the State Board of Education, the work of all appointees and employees of the board."

He is authorized by Sec. 251 to employ "one deputy superintendent of public instruction and necessary clerical and expert assistants, and may fix the compensation of all statutory and other employees as provided by law, except as otherwise provided". Evidently he has authority to employ experts in AV.

His duties are described as follows in Sec. 253:

> "The Superintendent of Public Instruction shall:
>
> (a) Superintend the schools of this State.
>
> (b) Prepare, have printed, and furnish to teachers and to all officers charged with the administration of the laws relating to the public schools such blank forms and books as may be necessary to the discharge of their duties, including blank teachers' certificates to be used by county and city and county boards of education.
>
> (c) Visit the several orphan asylums to which state appropriations are made, and examine into the course of instruction in the asylums.

State: California

PART II - continued (8)

(d) Visit the schools in the different counties, and inquire into their condition; and the actual traveling expense thus incurred, not exceeding one thousand eight hundred dollars ($1,800) per annum, shall be allowed, audited and paid out of the General Fund in the same manner as other claims are audited and paid.

(e) Authenticate with his official seal all drafts or orders drawn by him, and all papers and writings issued from his office.

(f) Have bound, at the state bindery, all valuable school reports, journals, and documents in his office, or received by him.

(g) Deliver over, at the expiration of his term of office, on demand, to his successor, all property, books, documents, maps, records, reports, and other papers belonging to his office, or which may have been received by him for the use of his office."

He has broad regulatory powers, as shown below:

"Sec. 254. The Superintendent of Public Instruction shall prescribe regulations under which contracts, agreements or arrangements may be made with agencies of the federal government for funds, services, commodities, or equipment to be made available to schools of the public school system, except the California State Colleges."

"Sec. 255. All such contracts, agreements or arrangements shall be entered into in accordance with regulations prescribed by the Superintendent of Public Instruction and in no other manner."

Under Sec. 259, the Superintendent of Public Instruction is required to prepare each year "an estimate of the amount of state school money that will be apportioned to each county or city-and-county during the current school year and to furnish a certified copy of it to each county or city-and-county superintendent.

Under Sec. 261, he is required to submit to the Governor annually, before the beginning of each session of the legislature, "a statement of the condition of the public elementary and secondary schools, and other educational institutions supported in whole or in part by the State and under the jurisdiction of the Department of Education." The report must be accompanied by tabular statements, showing:

(a) school attendance

(b) amount of State funds apportioned, with sources

State: California

PART II - continued (9)

(c) amounts raised by county, city-and-county, and school district taxes, or from other sources, for school purposes

(d) amount spent for salaries for teachers, school libraries, school houses, and incidentals.

In his report he would have occasion to show expenditures for AV programs and future needs.

Sec. 262 states that he may conduct experimental work in education through various media, including radio and vision.

Sec. 263 states that he "may develop audial and visual curriculum materials, evolve means and methods, and prescribe standards for the use of such materials in the public elementary and secondary schools."

Intermediate level - County boards

The general duties and powers of county boards of education are briefly stated in Secs. 651-653:

"Sec. 651. County boards of education shall:

(a) Adopt rules and regulations not inconsistent with the laws of this State, for their own government.

(b) Keep a record of their proceedings.

(c) Review and make recommendations on the annual budget of the county superintendent of schools before its submission to the county board of supervisors.

(d) Review and make recommendations on the annual county school service fund budget of the county superintendent of schools before its submission to the Superintendent of Public Instruction."

"Sec. 652. County boards of education may:

(a) Adopt and use an official seal in authentication of their acts.

(b) Have such printing done as may be necessary."

"Sec. 653. County boards of education may:

(a) Adopt rules and regulations governing the administration of the office of the county superintendent of schools.

State: California

PART II - continued (10)

(b) Review the county superintendent of schools annual itemized estimate of anticipated revenue and expenditures before such annual itemized estimate is filed with the auditor as required by Section 29040 of the Government Code and make such revisions, reductions or additions therein that it deems advisable and proper. No such itemized estimate shall be filed by the county superintendent of schools or be approved by the board of supervisors until it has first been so reviewed and approved by the county board of education."

One additional power of significance is described in Secs. 654-655.

"Sec. 654. County boards of education shall prescribe, on or before the first day of July of each year, the course of study in and for each grade of the elementary schools of the county for the ensuing school year."

"Sec. 655. Such course of study shall not apply to elementary schools in cities governed by city boards of education."

Whatever changes it may make in curricula, however, under Sec. 656, are subject to basic, standard requirements of Secs. 7601-7607.

Article IX, Sec. 7, of the Constitution provides in part as follows:

".....The Legislature shall provide for a board of education in each county of the State. The county superintendents and the county boards of education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions."

This is largely a ministerial duty, however, with little or no power of real decision, since the Legislature has enacted 100 pages of statutes relating to certificated employees (Secs. 13101-13570) and 30 pages relating to employees not requiring formal certification, to all of which the State Board of Education has added 90 pages of regulations on certification in the Administrative Code, Title 5, Sections 200-846.

County Superintendent

The county superintendent, who is elected to office in accordance with provisions of Article IX, Sec. 3 of the Constitution, has a position of considerable power in the school hierarchy and a liaison function through direct contact with the top level by attendance at meetings called by the State Board or the Superintendent of Public Instruction and otherwise. The State pays at least part of his salary, Sec. 18354, the statutory amount of which is specified, Secs. 759-766, for counties of different sizes, from Class 1, with a school population of 750,000 to Class 8 with a school population of less than 100. Certification requirements and other qualifications for the office are prescribed, Secs. 757 and 758.

State: California

PART II - continued (11)

The county, not the school system, pays from its general funds his traveling expenses, Sec. 751, expenses for attending meetings called by the State Board or the Superintendent of Public Instruction, Sec. 752, his office expenses, Sec. 753, and "the expense of providing housing for all the services" of the superintendent, Sec. 754.

He serves as a link between local districts on the one hand and the county board of supervisors on the other in fiscal matters and local school financing which is conducted through the political, not the education, machinery. He may make formal reports to the board of supervisors, Sec. 801.

He also serves as link with the Superintendent of Public Instruction, making reports to him on condition of schools, Sec. 801, and on fiscal and other matters specified by statute or prescribed by that official, Secs. 803-806. These reporting procedures could be usefully employed in connection with AV activities.

The county superintendent is ex officio secretary and executive officer of the county board, Sec. 608. The board may exert some check on him perhaps through its authority to review and make recommendations on (a) his annual budget before its submittal to the county board of supervisors, and (b) his annual county school service fund budget before its submittal to the Superintendent of Public Instruction.

The general description of his powers and duties, however, is broader than that of the county board. Under Sec. 801 he shall

(a) superintend the schools of his county

(b) visit each school regularly to observe conditions and problems, and he may make reports on these and other matters to the county board of education and the county board of supervisors

(c) distribute laws, reports, instructions, forms, and so on for use of school officers

(e) keep record of his official acts, acts of the county board, and other matters.

Under Sec. 802, he shall

(a) enforce the course of study

(b) enforce use of State textbooks and of high school textbooks "regularly adopted" by the proper authority

(c) preserve all reports of school officers and teachers.

State: California

PART II - continued (12)

Under Sec. 811 he has authority to enter into contracts, subject to approval of the county board, with the board of any school district under his jurisdiction to provide for its use audio-visual equipment and apparatus, as described in Part III hereof.

He is also authorized, with approval of the county board, to establish and maintain for certain schools facilities for the use of audio-visual materials and arrange for participation in educational television programs, Secs. 8851-8857, as more fully described in Part III below.

This is one of the services provided by the State in the County School Service Fund program, Secs. 8501-9157, for which appropriation is made by the legislature each year. The superintendent of each county is the official through whom this aid is extended for the purpose of co-ordinating educational activities in the county.

Section 8501 contains one of the clearest policy statements in the entire Education Code. It reads in part as follows:

"In adopting this act, the Legislature considers that the coordination of the educational program constitutes the greatest continuing need to be met through the county school service fund. To meet this need the necessity is recognized to provide professional services to coordinate courses of study, guidance services, health services, special education, attendance activities, and advisory services in school business administration.

"As an additional need, the Legislature recognizes the necessity to provide professional services in districts too small to supply such services for themselves economically and effectively, such as, (1) to prepare courses of study; (2) to supervise instructional practices; (3) to provide direct guidance services, health services, and attendance services normally provided in an educational program; (4) to provide for the purchase, distribution, and use of supplementary instructional materials and equipment; and (5) to provide educational opportunity to normal and special pupils who would otherwise be denied it. It is recognized further that providing for professional service is a transitory function of the county school service fund to be assumed by school districts when, through growth or reorganization, they will be able to perform the services for themselves.

It is the further intent of the Legislature that:

(a) Services involving the coordination of the educational program which have among others the purposes of (1) enforcing minimum standards, (2) improving the educational program, and

State: California

PART II - continued (13)

(3) (3) promoting order and reasonable uniformity in the educational program shall be provided, except as may be specifically authorized, at the district level, reserving to the district the opportunity and responsibility for internal improvement, and that such services will be provided in such a manner that recognition will be given to the responsibilities placed upon school districts by the Legislature to determine and administer their own educational program.

(b) Services to school districts which do not constitute coordination among districts shall be provided in such a manner that impetus will be given to strengthening school districts and to improving district organization to the end that more effective programs of education may be offered, and that the provision of services through the county school service fund shall not act to deter or delay any school districts from furnishing such services for themselves.

(c) Services to school districts shall be cooperatively provided by two or more county superintendents of schools without regard for county boundaries whenever a particular service may be so provided with economy and effectiveness.

(d) The direct operation of an educational program by the county superintendent of schools shall, except as specifically authorized by the Legislature, be limited to those emergency cases where children would otherwise be denied an opportunity for education."

Sec. 8502 reads as follows: "The county school service fund shall be used to pay for those services provided by the county superintendent of schools that are authorized by this chapter (commencing at Section 8501), and for such other purposes as are specifically authorized in Section 880 of this code."

Sec. 880 reads as follows: "All expenses shall be paid out of the county school service fund necessary for the county board of education and the county superintendent of schools to perform the duties, render the services and comply with the provisions of Education Code Sections 811, 812, 857, 1131, 6815, 6932, 7103, 8004, 8055, 8158, 8806, 8854, 8855, 8904, 8951, 8953, 9003, 9153, 11755, 13512, 13528, 16858, 16860, 16902, 17206, 20102, 20105, 20106, 21052, and 21053.

"The provisions of this section shall not be construed to prohibit support from the county general fund from being provided for duties and services performed pursuant to the sections enumerated above."

The county superintendent is authorized to do a number of things, in connection with school activities in his district, with the approval of the county board. Those relevant here are:

Sec. 8503--He may, "in accordance with regulations of the Superintendent of Public Instruction which he is hereby authorized to adopt..... with the advice of an advisory committee", appointed by the Superintendent of Public Instruction,.....employ qualified personnel....."for the coordination of courses of study, guidance services, health services, special education, attendance activities, and advisory services in

school business administration activities among the school districts under his jurisdiction....."

(Sec. 8504 requires that personnel employed to perform such services shall hold valid credentials issued by the State Board of Education.)

Sec. 8551 - He may, with approval of the county board, provide for preparation of courses of study in the elementary schools, except those governed by a city board of education, and, under Sec. 8552, enter into agreement with the governing board of any district to provide for such services but in the case of such agreements payments must be made out of other funds. Personnel performing such services, except clerical and accounting, shall be certificated, Sec. 8553.

Sec. 8601 - He may, with approval of the county board, employ supervisors to supervise instruction in elementary school districts having an ADA of less than 901, and in unified school districts having an ADA of less than 1,501, but the services of such supervisors shall be made available in those districts where adequate supervision is not provided by the district.

Sec. 8602 - He may, with approval of the county board, enter agreements with the governing board of any elementary school district to provide such supervision, but under such agreements the cost must be paid for out of other funds. Persons performing the supervision under this and the preceding section must be properly certificated, Sec. 8603.

Similar provision is made for supervision of attendance and of health and for guidance service to pupils, not relevant here.

Several sections relate to the integration of library services into the educational program. Elsewhere in the Code, Secs. 7201-7353, provision is made for consolidation or affiliation of school libraries with county free libraries, for apportionment of sums to school districts for a library fund, and similar matters.

In the sections dealing with the County School Service Fund, however, provision is made for the county superintendent to enter an agreement with the county librarian, subject to approval by the county board of supervisors (political) and the county board of education to take over contracts for supplementary course of study material and thereafter to perform all library services previously performed by the county library, Sec. 8801.

If no county library service is maintained, the county superintendent may enter agreements with elementary school districts to maintain one and to employ a certificated librarian for that purpose. He then has the same powers, duties, responsibilities and jurisdiction as may be exercised by a county library, Sec. 8802. Funds may be transferred from the County School Service Fund, with approval of the school board and other authorities, for implementing such a program, Sec. 8803.

State: California

PART II - continued (15)

Under Sec. 8805 he is also authorized to establish, by expenditures from this Fund, a county teachers' library, or enter into an agreement with an existing county library for affiliation of the teachers' library with it.

Upon undertaking any of these various library services, he becomes liable to the requirement of making annual report to the State Librarian, Sec. 8806. In all of these library services there is possibility and authority, implied from other statutes, to make filmstrips and some other types of AV material available.

Sections 8851-8857, referred to elsewhere and quoted in Part III, relate to audio-visual instructional material and educational television made available to school districts through the county superintendent under agreements which may provide for use of county school service funds partly or entirely for these purposes (Sec. 8854).

Statutes 1961, Chapter 2065, added several sections to supplement the services described above by establishing a Television Advisory Committee in the Department of Finance, with a Television Co-ordinator to prepare a plan for television to serve the educational needs of the State, Secs. 8871-8878, as set forth in Part III below. The county superintendent is not mentioned in this new legislation, but by virtue of his authority concerning agreements for obtaining TV broadcasts, Sec. 8857, he would participate in the chain of command in transmitting applications of school districts to the Co-Ordinator, Sec. 8877, and to the Department of Education, Sec. 8878 to comply with requirements.

The county superintendent, with approval of the county board, may hold an annual teachers' institute, Sec. 9051, an annual institute of non-certificated employees, Sec. 9052, and an annual meeting of school trustees, one from each district, Sec. 9101, expenses of which are chargeable to the county school service fund. He has related powers connected with accounting for the Fund, Sec. 9151, screening and directing teachers to schools, Sec. 9152, payment of travel expenses, Sec. 9153, employment of personnel to conduct research connected with his curricular and special services, Sec. 9154, and publication of materials necessary for his curricular and special services, Sec. 9155, all under the county school service fund program.

The Administrative Code, Title 5, has some provisions relating to county superintendents, but they are largely procedural and do not add to the description of powers given above.

Local Level

Powers granted to different school districts and their respective officials differ with the character and size of the school districts, which are referred to by name in the statutes. It is therefore necessary to indicate the variety and nature of them here.

State: California

PART II - continued (16)

Local districts

The Education Code requires in Sec. 3581 that on or before September 15, 1963, each county committee, especially organized, shall submit a master plan to the State Board for all territory in the county, providing an educational program including all grades from kindergarten through grade 12, with various intermediate steps in reorganization leading to realization of the master plan. This has not yet been accomplished, of course, and there is now in California a great variety of school districts of different composition and designation. This in some respects is confusing in spite of all the wordiness and painfully detailed specificity of the Education Code.

(1) The elementary school district, designated by a name, Sec. 1701, in which neither a number, Sec. 1703, nor the word "elementary", Sec. 1704, shall be used, may be formed within a city, Sec. 1721, or outside of cities, Sec. 1741, in which, of course, the schools are at the elementary level. There are several combinations in which such a district may be included and there are provisions for changing from one to another, with detailed voting and other procedures for doing so, which fortunately do not have to be analyzed for this study.

(2) Two or more contiguous elementary school districts may be united to form one by petition made by registered electors to the county superintendent, Sec. 1831, or by action of the board of supervisors in certain circumstances, Sec. 1834. No popular vote is necessary. This is different from the two consolidations next described below.

(3) An elementary union school district may be formed out of "two or more contiguous elementary school districts of any kind or class, lying in the same county" upon petition by a majority of the registered electors having school children or by petition of a majority of the members of the respective boards, to the county superintendent calling for popular election, Sec. 1941.

(4) An elementary joint union school district is formed in essentially the same way, except that the elementary school districts are not all in the same county and petitions for voting must be addressed to two or more county superintendents, Sec. 1961.

(5) An elementary joint school district is newly organized upon petition of the requisite number of parents of children of school age who live 5 miles or more from the nearest school. The petition is addressed to the superintendents of the respective counties affected, Sec. 2091. This is essentially the same as a newly organized elementary school district, outside of cities, in which the petitioners live 5 miles or more from the nearest school, but all within the same county, Sec. 1741. The word "joint" in this and in other descriptions of school districts indicates territory in more than one county.

State: California

PART II - continued (17)

(6) There is also statutory provision for an elementary school district at a military station, with variations in consolidation with other districts, Secs. 2131-2173.

(7) The high school district is separate from the elementary school district, and if not already existing at the time the Education Code was enacted is organized by recommendation, Secs. 2222-2224, to the State Board by the county committee or committees (established by Sec. 3101), public hearings, Secs. 2225-2228, approval by the State Board, Sec. 2229, and formal notification by it of approval, Sec. 2230. The State Legislature declared as its policy, in Sec. 2221, that all elementary school districts shall be included in a high school district or in a unified district. Thus, there are two layers of districts -- (1) a number of elementary school districts of several descriptions, the area of which is included in (2) a smaller number of high school districts, with separate administration, or in a unified district, leaving aside junior college districts with which this study is not concerned.

(8) A unified school district is formed when the boundaries of an elementary school district and a high school district become coterminous, Sec. 2842; also when the boundaries of a junior college district become coterminous with those of the two other types, Sec. 2841. Thereupon the component districts cease to exist, and a single administration, with some minor exceptions, is started, ibid. Each unified school district shall maintain at least one elementary school and one 4-year high school, or, in lieu of a 4-year high school, one junior high school and one senior high school, Sec. 2901.

(9) A countywide union high school district may be organized by merging smaller high school districts and unified districts, which thereupon cease to exist, but the existing elementary school districts continue separately as before. The elementary school district or districts previously merged in the unified school district is or are, in effect, reactivated to continue existence as a single elementary school district, Sec. 2241. Procedures for elections and for other purposes are provided.

(10) A union high school district, not countywide, may be organized in the same way by merging and terminating several high school districts and unified districts, and reactivating, so to speak, the elementary school district or districts, previously absorbed into the unified district, to continue as a single elementary school district, Sec. 2261. Similar procedures are provided. There are some variations of the method of organizing a union high school district, but they are not relevant to this study.

(11) A joint union high school district may be organized from two or more contiguous high school districts not within the same county, Sec. 2331. A vote on the proposal is taken, Sec. 2334. The previous high school districts composing the union cease to exist.

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PART II - continued (18)

There are many other provisions for changing the territory of districts of different types and shifting the administrative and operational functions in order to meet the policy statement of the Legislature, Sec. 2221, and to make gradual approach to the master plan of district organization, Sec. 3581. In spite of the resulting confusion and multiple statutory provisions, however, division of authority and operational functions can be analyzed for their relevance to AV programs.

Every school district shall be under the control of a board of school trustees, except when otherwise authorized by law, Sec. 901. This includes both elementary and high school districts of various types. The powers and duties of such boards will be described later, but reference will first be made to the exceptions.

(1) Governing boards of union and joint union districts, either for elementary or for high schools.

Sec. 1171 reads as follows: "The powers and duties of boards of trustees of union or joint union school districts are such as are now or may hereafter be assigned by law to boards of school trustees except as otherwise provided by this code."

Sec. 1172 reads as follows: "Boards of trustees of union and joint union districts may appoint an executive committee, consisting of the president, the clerk, and one other member of the board, to attend to the routine business of the board. Their action shall be reported to the board for ratification at its first meeting ensuing."

Sec. 1173 reads as follows: "The board of trustees elected or appointed for a union school district may call elections for the issuance of bonds or for special taxes, and may select employees and arrange for the organization of the school for the next ensuing school year."

Under Sec. 1174, the board of trustees, at any time after their election or appointment, may secure an option ot purchase land for school purposes and may call a bond election for any of the purposes for which elementary school bonds may be issued, following the same procedure as for elementary school bonds "as though control of the property of the union or joint union district had already been vested in them."

(2) City Boards of Education. Sec. 1201 reads as follows:

"Boards of education are elected in cities under the provisions of the laws governing the respective cities, except as otherwise provided in this chapter, commencing with Section 1201."

State: California

PART II - continued (19)

The provisions in the chapter referred to, Secs. 1201-1210, relate to election of members at large, Sec. 1202; a governing board of 7 members with overlapping 4-year terms in city districts of over 1,900,000, Sec. 1203; compensation for board members in such districts, Sec. 1204, or in smaller city districts, Sec. 1205; reimbursement of election cost to the city by the school district, Sec. 1206, or a proportion of it, Sec. 1207; consolidation of school and municipal elections, Sec. 1208; and designation of elementary school boards as city boards of education in those cities which do not provide in their own laws for a city board of education, Sec. 1209, 1210.

Section 981 reads: "The powers and duties of boards of education in cities are as prescribed in the laws governing the respective cities, except as otherwise provided by this code." The Education Code contains various provisions relating to city boards of education, including those referred to below as having some relevance to AV programs:

The board of education in a city of over 500,000 shall establish and maintain at least one public school in which French, Spanish, Italian, and German are taught, Sec. 6601. Such schools shall be designated as cosmopolitan schools, Sec. 6603.

Under Sec. 7552, each city board is required to prepare annually and to file for public inspection the courses of study prescribed for the kindergarten, elementary, and high schools in the city school district. But the county boards of education shall prescribe and enforce in the public schools a course of study in all districts except those in cities having a city board of education, Sec. 7553.

The city school board is required by Sec. 13374 to pay the expenses incurred by the city superintendent of schools in holding the city district institute for teachers.

The board of education of a city, not divided internally into school districts, may request of the appropriate county or city-and-county superintendent sums for a library fund, Sec. 7302, and the superintendent shall include such city in the apportionment of funds provided for that purpose, Sec. 7301.

City boards of education shall have full power to fix the salary of all employees, Secs. 13504 and 13602; but teachers of beginners shall be ranked in the salary schedule with the highest salaried teachers in the elementary grades of equal training and experience, making uniform allowance, if desired, for years of training and years of service, Sec. 13506.

Under Sec. 1533, the city board may employ a city superintendent of schools, and deputy or assistant city superintendents of schools as it deems necessary, and may fix and order paid their compensation, unless otherwise prescribed by law.

State: California

PART II - continued (20)

Under Sec. 16504, a city board of education, as well as certain other boards, may purchase standard school supplies and equipment in accordance with the procedure for the purchase of such supplies by school trustees of an elementary school district with an average daily attendance of less than 2,500. This procedure is described in Sec. 16501. It provides that a county board of education shall prescribe rules and regulations under which the school districts, of the small size indicated, shall purchase standard school supplies through the county superintendent of schools or, when so directed by him, through a county purchasing agent. The purpose of this 1961 legislation, although not stated, is obviously to make available to city school districts, especially the smaller ones, a procurement procedure more convenient than any which they might initiate themselves.

The meaning of "standard school supplies and equipment" which the county board is required to list is "such supplies and equipment as can be advantageously purchased in quantity," Sec. 16501. This procedure is evidently followed in the purchase of at least some of the AV equipment referred to in Sec. 1493 of the California Administrative Code, Title 5, Education.

But if a unified school district is coterminous with the boundaries of, or includes within its area, a city or a city-and-county, and is governed by a board provided by the charter of a city or city-and-county, Sec. 1481, then it may follow either the procurement procedure described above or purchase directly from the vendor, Sec. 16504.

(3) Boards of Education of City-and-County. A combination of provisions of Sec. 1481, relating to unified districts, and Sec. 16504, relating to procurement procedure, would enable a city-and-county board of education to procure "standard" supplies and equipment through a county superintendent, as described above, if it were in a unified district, but otherwise not.

Under Sec. 13157, a city-and-county board may provide for the registration of any valid certification or other document authorizing the holder to serve in a position requiring certification requirements. While this authority is also conferred upon county boards of education, it is not extended to any other "local"board. Growing out of this is also authority to issue a duplicate certification document to replace one lost, Sec. 13185, upon submittal of satisfactory proof of identity of the original document and any other information required, Sec. 13186. These provisions, in essence, give authority to "certificate" teachers, otherwise under control of county boards.

A city-and-county board has the same right as a city board in applying for, Sec. 7302, and receiving from a county superintendent a share in apportionment of library funds, Sec. 7301.

(4) Boards of Unified Districts. When a unified school district has within its boundaries a chartered city or a city of the 1st to the 5th classes, inclusive, or whenever the average daily attendance of the district is 1,500 or more, then for all purposes the district shall be deemed a city school district governed by a city board of education, and its governing board shall be deemed a city board of education, Sec. 1491. This, of course, would give to such a district all of the powers and duties of a city board as described above. Secs. 1481 and 1482 provide for the government of such districts and procedures of election of board members.

Under Sec. 601, if a county unified school district, or a unified or elementary school district, includes all of the territory over which a county superintendent of schools has jurisdiction, then "the governing board of the district shall serve as the county board of education." In view of provisions in Article IX, Sections 3, 3.1, and 3.3 of the Constitution concerning election of county superintendents, their qualifications, and county boards, the board of such a unified district would not have power to appoint the superintendent or prescribe his qualifications, and it might itself be made subject to some provisions of a city charter. But under Sec. 7 of Article IX it would evidently have control, with the county superintendent, of the examination of teachers and granting teachers' certificates. It would also, no doubt, have other powers and duties of a county board of education, described elsewhere, not inconsistent with its other status as an operational district.

Any unified school district, however, has some powers and duties specifically provided for it, some of which may be relevant to AV programs and to the scope of this study.

Board members, like those of an elementary school district, are subject to recall, Sec. 1261, by voters at special elections, Sec. 1272, under procedures provided.

The governing board of a unified district shall have the same powers and duties as are by law granted to the governing boards of the elementary school districts, the high school districts, and the junior college districts merged into, or otherwise included within, the unified school district, Sec. 1489. Essentially the same provisions are repeated in Sec. 3303.

It may acquire property, construct buildings, and maintain classes outside its boundaries on sites immediately adjoining school sites within its boundaries, Sec. 1492.

It may make agreements with other school districts for the joint employment of supervisors of instruction, Sec. 1493.

State: California

PART II - continued (22)

It may continue in force an excess tax rate authorized by component districts before their merger into the unified district, Sec. 2843, and Sec. 3362 to same effect. It may also continue an authorized special tax, Sec. 3361.

The members of the board shall elect a superintendent of schools, who shall be executive officer of the board. Under certain circumstances the board may employ the county superintendent of the county in which it is located or of an adjoining county to serve as the superintendent of schools of the unified district in addition to his other duties, provided he holds proper certification for such duties, and it may pay him a salary by mutual agreement in addition to his salary as county superintendent, Sec. 3301.

The governing board is required by Sec. 3355 to include in its annual budget amounts necessary to meet interest and redemption charges for outstanding bonds of the districts merged within it, failing which the county superintendent shall add the proper amounts to the budget submitted.

(5) Board of union and joint union districts. Few special powers and duties are provided for the governing board of a union district or a joint union district, whether organized from elementary or from high school districts, except those which seem to be primarily connected with organizing the union. However, Sec. 1171 states that the powers and duties of such boards are "such as are now or may hereafter be assigned by law to boards of school trustees except as otherwise provided by this code". The "otherwise" may refer to organizing procedure, as well as to the three following sections. Sec. 1172 authorizes the board to appoint an "executive committee" to attend to the routine business of the board and report action for ratification. Sec. 1173 authorizes it to call elections for issuance of bonds or for special taxes, to select employees, and to "arrange for the organization of the school" for the next year. This conceivably might give authority to organize an AV unit. Sec. 1174 to secure an option on land for school purposes, and to call a "bond election for any of the purposes for which elementary school district bonds may be issued". Otherwise, their powers and duties are obviously the same as those of elementary school districts or of high school districts, depending upon their composition.

(6) Boards of High School Districts

Sec. 7700, added to the Education Code by Stats. 1961, Ch. 2207, reads in part as follows: "The course of study for grades 7 and 8 of each elementary school, and for each junior high school, high school, or grades 11 and 12 of a four-year junior college shall be prepared under the direction of the governing board having control thereof and shall be subject to the approval of the State Board of Education. The course of study shall meet the requirements of this section."

State: California

PART II - continued (23)

This section provides further that in addition to courses otherwise prescribed by law the course shall include English and several specified branches of history, indicating the amount of time to be spent on them. It appears from references to Sec. 7700 made in related sections enacted at the same time that the additional courses specified would constitute an essential part of a minimum standard. But for these, as well as for other courses, the preparation is under the "direction of the governing board" and "subject to the approval of the State Board of Education", ibid.

The State Curriculum Commission is required, under Sec. 7509, to study problems of courses of study in the schools of the State, including high schools, and may recommend to the State Board minimum standards for adoption. Somewhere in the several activities of prescribing and adopting, as referred to above, and recommending, there would be authority to include provisions for the use of AV aids.

The general scope of authority of high school boards is stated in Sec. 1391 as follows: "Except as otherwise provided, high school boards have the same powers and duties as boards of education, or boards of school trustees in school districts."

Sec. 10001 reads as follows: "The governing board of each district maintaining one or more high schools shall adopt textbooks for use in the high schools under its control. Only textbooks of those publishers who have filed a bond with the State Board of Education as provided by Article 1 of this chapter may be adopted by the governing board."

The wording of this section makes it applicable both to high school districts and to other districts, such as city, city-and-county, or unified districts, "maintaining one or more high schools", and gives the local governing board authority to "adopt". Aside from the formality of requiring publishers to file bonds, there is no specific restriction on this power -- only a general requirement that the State Board "shall designate the kinds of books which shall be classified as textbooks" for high schools, Sec. 10002.

The governing boards of high school districts -- but not those of others which maintain high schools, as referred to above -- are required by Sec. 10052 to purchase high school textbooks for use by the pupils without charge, retaining title to the books.

These procedures are different from those referred to earlier for the State's free textbook program, under control of the State Board, for elementary schools.

Under provisions of the second part of Sec. 10002, instructional materials not classified as textbooks may be purchased by governing boards without reference to provisions of the textbook laws. This means no classification of kind by the State Board, and probably no formal "adoption" by the local board, but of course formal resolution by it would be required. This could apply to AV aids.

State: California

PART II - continued (24)

Sec. 16504 gives a high school board, as well as certain other boards, the right to make purchases of "standard school supplies and equipment" through a county superintendent, or when so directed by him through a county purchasing agent, Sec. 16501.

Members of a high school board may select by unanimous vote a site for a high school, Sec. 15202, but if they fail to do so the county superintendent calls a district election for that purpose, Sec. 15203, under procedures provided.

A high school board may enter into an agreement with the board of supervisors of its county to "secure the advantages of the county free library", Sec. 7208. This could extend to the use of any AV equipment maintained at such a library.

The board of a "county high school district" has the same powers as the board of an ordinary high school district, Sec. 1345.

.(7) Boards of elementary school districts. Another provision concerning libraries seems to apply only to elementary school districts. If a county maintains no library, the county superintendent of schools, with the approval of the county board, may establish a library service for elementary school districts. The district board electing to participate in this service may enter into an agreement with the county superintendent for this purpose, Sec. 8802. This is similar to the procedure for providing AV services and equipment, Sec. 8851 et seq., referred to in Part III below.

Sec. 8602 provides that an elementary district board may also enter into an agreement with the county superintendent, upon approval by the county board, for "supervision of instruction in the district". This was obviously intended to permit small school districts to dispense with a superintendent of their own, but it would have the effect of bringing them closer to the county source of AV materials maintained by the county superintendent under Sec. 8851.

The board of trustees of an elementary school district with average daily attendance of less than 2,500 is required, by Sec. 16503, to purchase "standard school supplies and equipment" through the county superintendent in accordance with Sec. 16501 referred to previously. The board of an elementary school district with more than 2500 attendance may purchase such supplies in the same manner, Sec. 16504.

The governing board of any school district, pursuant to Sec. 16505, may purchase "any necessary school supplies and equipment" other than those classified as "standard" by the county board, by following the same procedure as for "standard", i.e. through the county superintendent, or upon his direction, through a county purchasing agent, as provided in Sec. 16501. The alternative, for which any such governing board has authority under Sec. 16505, is to purchase directly from the vendor.

State: California

PART II - continued (25)

(8) School Boards - Generally.

Any school board may, in its discretion, establish additional schools in its district, Sec. 15353, but must delay acquisition of any new site near an airport until investigation by the Department of Education and a public hearing on the question of safety, Sec. 15005.

In addition to provisions mentioned above, there are many sections on special subjects scattered through the code giving powers to school boards generally. Some of these will be referred to later. However, reference will first be made to those powers enumerated in the 42 pages of Education Code, under the heading "Local Governing Boards Generally" which may be relevant to this study.

Sec. 901. Every school district shall be under the control of a board of school trustees"except when otherwise authorized by law". A cross reference under this section is made to regulations for governing boards appearing in California Administrative Code Title 5, which includes one provision, in Sec. 76, of relevance here. This prohibits any school board from entering into a contract with any Federal agency for any school purposes or from receiving any equipment, money, or loan from such an agency for school purposes, without obtaining prior approval from the Superintendent of Public Instruction. This would not prohibit the school district from receiving any AV equipment, for instance, but it would require prior approval.

Otherwise there is no restriction of any kind on the acceptance of gifts, donations, bequests, and devises by a school board on behalf of the district, for which it has specific authorization, Sec. 988. A companion section, 989, giving the same authority to a district maintaining a junior college (along with other grade levels), states that in no event shall the approval of any State agency be a prerequisite to acceptance of such a gift.

Sec. 905 states contracts, such as those referred to in Secs. 901-919, shall not be made in excess of school moneys accruing and usable for the purposes of the contracts during the school year. The contracts referred to are service contracts, including repair and maintenance. One type, however, is relevant here. Sec. 918 authorizes the board to conduct research and investigation, or to join with other boards in doing so, for the study of school conditions and needs. This could involve AV programs.

Under Sec. 984 the governing board of any school district shall:

(a) prescribe rules for government of itself and of its schools, not inconsistent with law or rules of the State Board

(b) transact its business at meetings

State: California

PART II - continued (26)

(c) fix time of meetings

(d) call special meetings

(e) make annual reports to the superintendent of schools in the manner prescribed by the Superintendent of Public Instruction

(f) visit each school once a term, or cause the district or city superintendent to visit, to examine management, conditions, needs

(g) have power to execute and deliver quitclaim deeds to remove any cloud on title to property adjoining school property

This is not an impressive list of general powers and duties, but the great number of provisions for other powers and duties scattered throughout countless sections of the Education Code, and the numerous sections in the thick annex and the Administrative Code, Title 5, is impressive. Reference will be made to those additional provisions which are relevant.

Under Sec. 985, boards are required to take action, when authorized or required by law, only in meetings open to the public, but they are permitted to hold executive sessions for certain purposes, Sec. 986. There is opportunity for active participation by taxpayers through district meetings, which may be called upon their petition, Sec. 1021, at which one of them shall preside, Sec. 1023, and at which they may vote by ballot on specific instructions to the board, Sec. 1025, on the following subjects:

(a) location of schoolhouses

(b) use of schoolhouses for other than school purposes

(c) sale and purchase of school sites

(d) disposition of litigation involving the school district

(e) expenditure for such purposes of a sum up to $100 in addition to proceeds of sale of certain school property, Sec. 1027.

These procedures afford an opportunity to promote the use of AV.

Boards may maintain educational exhibits at the county fair held in their county, Sec. 991 (which might include some simpler forms of AV equipment), and may publicize their educational program, Sec. 992 (which might promote or popularize use of AV equipment).

Under Sec. 1000 governing boards are required to employ a principal for each school under their control, and may agree with a board of a union or joint union dissrict for joint employment of a supervising principal, Sec. 1001.

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PART II - continued (27)

The governing board of each school district shall fix and prescribe the duties to be performed by all persons in public school service in the school district, Sec. 1002. This affords ample authority to organize AV units, assign teachers to AV duties, and promote other AV activities.

Governing boards are authorized to enter into service agreements, upon observing certain formalities, with county superintendents and others approved by him, Sec. 1091, and with other school districts, Sec. 1092, both of which procedures might be resorted to in the promotion of AV activities.

Governing boards are authorized to subscribe for membership in any organization designed to promote education, if approved by the State Board of Education, Sec. 1131, or in any local organization of governing boards. These procedures might provide means for promoting AV use.

The governing board of any school district employing 8 teachers or more, and of any junior college district regardless of number of teachers, may employ a district superintendent, Sec. 1531; and if the district has an average daily attendance of at least 1,500, the board may employ such deputy and assistant superintendents as it deems necessary, Sec. 1532.

Sec. 7201. Whenever the county in which a district is situated maintains a county library, the governing board of any school district may agree with the proper authorities of the county to make the school library a branch of the county library.....

Sec. 7351. The governing board of any school district shall expend the library fund, together with such money as is added thereto by donation, in the purchase of school apparatus and books for a school library, including books for supplementary work. (This authority might be used to acquire AV equipment.)

Sec. 7551. The governing board of any school district shall enforce in the schools the course of study and the use of textbooks prescribed and adopted by the proper authority.

Sec. 7553. County boards of education shall, except in cities having a city board of education, prescribe and enforce in the public schools a course of study.

The two provisions ensure the use of any AV equipment and programs prescribed.

Certain courses in moral subjects, Secs. 7851, 7852, 7853, in history and government, Sec. 7901, and in basic subjects required for advanced study, Sec. 7903, are prescribed for all schools. Religious instruction may be given with written consent of parents, Sec. 8201.

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PART II - continued (28)

Sections 8851-8857 relating to AV instructional material, and Secs. 8871-8878 relating to educational television, are quoted in Part III below.

Governing boards of all school districts are required to enforce the use of textbooks prescribed and adopted by the proper authority, Sec. 9251, and to report directly to the Superintendent of Public Instruction annually on the textbooks used, Sec. 9253.

While, under Sec. 15002, the governing boards of any school district may, and when so directed by a vote of the voters, shall purchase or improve school lands, the Department of Education has the authority, under Sec. 15302 to advise the local board on appropriate sites, establish and enforce standards for school buildings, review, and approve or disapprove, all building plans and specifications, and otherwise control building operations. This is relevant to construction to facilitate the use of AV.

While there is a separate chapter, Sections 16501-16522, dealing with the authority of different kinds of school districts to purchase "apparatus and supplies", as previously discussed, the gist of these provisions can be simply stated. Small elementary school districts with ADA less than 2,500 are required to purchase "standard" supplies through the county superintendent, or when he so directs them, through the county purchasing agent (Sec. 16501). However, boards of other districts, including those of a city, a high school, a unified or a larger elementary district, may avail themselves of this purchasing procedure for "standard" supplies, Sec. 16504. And any school district may use the same procedure for purchasing other than standard supplies, or buy directly from the vendor, Sec. 16505; also, repeated authority for city and high school boards, Sec. 16508.

These provisions might be relevant to the acquisition of AV equipment and apparatus.

District Superintendents

In comparison with the extreme detail in which powers and duties of some other officials are set forth, the provisions describing powers and duties of a superintendent of a school district are quite meager. Section 1551 states that

(a) he shall be the chief executive officer of the governing board

(b) except as the board may have specifically provided otherwise, he shall prepare under its direction the school budget

(c) assign certificated employees, with approval of the board, to specific positions

(d) determine adequacy of certificates for job assignments

(e) enter into contracts for and on behalf of the district pursuant to Sec. 15961

Section 15961 is very important, because by its terms the Legislature has authorized the governing board of a district to delegate, by majority vote, its power to contract for the district to its superintendent, or, if it has none, to such other officer or employee of the district as the board may designate. It may set limitations of time, money or subject matter in such delegation. But in any case, action taken by such delegate must be formally approved or ratified afterward by the board in order to bind the district.

A companion section, 15962, provides that the board of a district of 400,000 school enrollment, in similar manner may adopt a rule delegating to such officer authority to purchase supplies, materials, apparatus and equipment up to a statutory limit of $10,000, but all such transactions must be reviewed by the board every 60 days. Sec. 15963 provides a procedure for altering contracts for any purchases not meeting approval of the board.

Under Sec. 13566, each city or district superintendent shall make to the appropriate county superintendent an annual report of the schools under his jurisdiction, including a sworn statement that positions requiring certificated employees were properly filled.

Such reporting practices afford means of standardizing uses of AV equipment and of keeping records of activities connected with them.

Local Financing

Division 16 of the Education Code, entitled "Local School District Financial Support and Management" contains 8 chapters, each broken down into Articles, which in turn are subdivided into sections. They all relate to local financing. Provisions concerning State aid to schools are separate and are not included in this group of statutes.

Obviously a complete analysis of such numerous statutory provisions cannot be given here, nor would that be necessary to indicate the relevance of the significant economic aspects of local financing to AV programs. Some general observations, however, are relevant, both to the problem of acquiring and maintaining AV equipment and services, and to building programs contemplating special facilities for use in AV activities.

There are several steps in the preparation of a school budget. The governing board of every school district is required to prepare a tentative budget, Sec. 20601, showing by category, in a form pre-

scribed by the Superintendent of Public Instruction, the functional classification of receipts, expenditures and future needs. This is submitted by July 1 to the county superintendent, who indicates desirable or necessary changes, gives other pertinent information, states the amount that would have to be raised by local taxes, and then return it to the district board, Sec. 20605. In a sense the county superintendent is a control point.

The school board then reconsiders and prepares a publication budget which it returns to the county superintendent, 20606, who then publishes it locally and "advertises" the time and place for public hearings to be held by the local board, Section 20504, at which voters can express their views on the budget. This is another control point, and on the basis of representations made the budget may be further changed by the local board.

A final budget is then "adopted" (in which apparently the sums, classifications and items become more or less frozen), Sec. 20651, and forwarded by the school board to the county superintendent of schools, who approves it and sends a certified copy to the county board of supervisors, the county auditor, and the Superintendent of Public Instruction, ibid. There are some slight variations in these procedures provided in different respects for very small school districts, and for some very large school districts, but the progressive procedure is essentially the same for all. If a school district does not comply, then the county superintendent is required by Sec. 20652 to withhold from it apportionment of both State and local funds for the current year.

The levy and collection of local taxes for school support is accomplished entirely through the political machinery, not the educational machinery as in some States. But as in most other States using the same system, the political officials have no veto power on the budget.

The county superintendent of schools, after approving the final or "adopted" budget, determines the amount that will have to be raised by local taxation, Sec. 20701, after estimating income from all other sources, Sec. 20702. The county board of supervisors shall fix the tax rate for each district, Sec. 20703, according to a formula, Sec. 20704, and levy and collect any necessary tax at the time and in the manner for levying and collecting county or city-and-county taxes, Sec. 20705, and Sec. 20855.

Sec. 20751 sets maximum tax limits for school districts of different types, according to formulas, but Secs. 20801-20802 raise the limit for certain purposes. Sec. 20803 provides for elections to determine the question of increasing or decreasing the maximum rate.

Sec. 20951 requires that internal limits on expenditures be observed according to the different major classifications of expenses -- that is, allocations -- made in the budget. But some transfers from reserves to a special class, or from class to class, may be made by special vote of the board when approved by the county superintendent, and upon notification to the county auditor. Other procedures provide relief from complete rigidity of budget allocations in special circumstances.

State: California

PART II - continued (31)

All of these procedures have some relevance to financing AV programs of different kinds, and they indicate the points where decisions affecting them are made.

State Financing

Article IX, Sec. 4 of the Constitution establishes the State School Fund for the support of common schools. It consists of proceeds from

Federal land grants for school support

escheated estates

percentage granted by Congress on sale of Federal land holdings

interest on such items

rentals received from any of them

The principal is not expended but income from it is to be used by the Legislature for school support.

Section 6 of Article IX provides that the Legislature shall add to the State School Fund such other means from the revenues of the State as shall provide in that fund, for annual apportionment among the schools in the Public School System, a minimum of $180 per pupil in average daily attendance. And, apparently in recognition of inequalities among different school districts of local resources, it provides, nevertheless, that no school district shall receive an apportionment of less than $120 per pupil or less than the total sum of $2,400. A provision at the end of the section might seem to raise a question concerning its present force even though it is reprinted in the latest Education Code. It states:

"The provisions of this section as they read [emphasis added] on April 1, 1952, shall remain operative to and including June 30, 1953, and no longer, notwithstanding any provision in this Constitution to the contrary." An editorial note was added: "(Amendment adopted November 4, 1952, as initiative measure.)"

If the word "read" is present tense, it refers to the section as presently printed, which would indicate that its effectiveness has lapsed. But if the word "read" is past tense, referring to a predecessor section 6 with different provisions, then that section was to become inoperative on June 30, 1953, by terms of the amendment, which was adopted before that date but after April 1, 1952. The latter interpretation seems more reasonable, since otherwise there would have been no point in printing the section in a current publication of laws in effect in 1961. In any case, the practice of supplementing the State School Fund with additional appropriations has continued, and in Sec. 17301 of the Education Code provision is made for allocating a minimum of $180 per pupil in ADA.

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PART II - continued (32)

Division 14 of the Education Code, Sec. 17151-20007, entitled "State Financial Support and Management", contains 235 pages of statutes providing an elaborate system for granting and regulating the apportionment and control of State aid to the public schools. State aid is granted with some reference to the local potential for district aid (see Article 3, Secs. 17701-17705).

Under Sec. 17301, the State Controller is required to tranfer each year from the General Fund of the State to State School Fund

(a) such sums, in addition to other sums accruing to the State School Fund, as will provide for an allocation of $180 per pupil ADA in the public schools from kindergarten through junior colleges

(b) additional amounts (but not exceeding $21.36 per pupil, with a minor exception) required to meet actual computed requirements, made according to a formula, for (1) supervisory services provided for certain small schools (Sec. 18352), (2) transportation of pupils (Secs. 18501-18602), (3) excess expenses of several kinds for various classes of handicapped or retarded children (Secs. 18060-18206), (4) allowance for growth of school districts (Secs. 18001-18009), and (5) basic and equalizing aid to certain small school districts or allowances in lieu of such aid (Secs. 17905.2, 18355-18401), each of which several requirements is computed by a different formula

(c) additional amounts required to meet the actual computed requirements for purposes similar to those in (b) above, in certain cases where they exceed statutory limits otherwise applicable or for accounting adjustments

(d) additional appropriations made by the State Legislature for purposes similar to those described in (b) above.

The State Superintendent of Public Instruction makes all of the computations of requirements described in (a), (b) and (c) above, and certifies amounts to the State Controller, who thereupon is required to transfer the funds indicated, ibid.; also Sec. 1740 (as to computing and certifying).

The State Superintendent of Instruction is required by Sec. 17651 to "compute for each school district the amount of a foundation program of school support therefor" (emphasis added), according to numerous formulas for different types of schools and situations described in sections 17653-17667. "Foundation program" is not defined, but presumably it covers what is called State basic aid and State equalizing aid, as well as certain revenues from other sources, as referred to in Sections 17601-17616 immediately preceding Sec. 17651.

It is not necessary for purposes of this study to unravel the maze of provisions with internal cross references to numerous related provisions, describing formulas, exceptions, and procedures for State aid to schools. The point should be made, however, that this part of the extensive program of State aid is under control of the State Superintendent of Public Instruction. His computations are based upon ADA,

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local tax returns, and reports made to him by County Superintendents of local requirements for various purposes, including the county school service fund (Sec. 18351). This fund covers the requirements, among other things, for certain AV equipment and services (Secs. 8851-8857, 8871-8870).

Neither is it necessary to analyze in detail the elaborate provisions for State aid in the programs for building schoolhouses, which might be relevant to installation of facilities for conducting AV programs. It may be useful, however, to describe the general pattern of this legislation, all of which appears in Division 14 of the Education Code.

Chapter 5 (Sections 18901-19153) is entitled "State Project Area School Construction Law of 1957" and deals with apportionments, the computation and payment of them, made to school districts by the State Allocation Board (Sec. 7 of the Construction and Employment Act, as amended, Stats. 1st Ex. Sess. 1946, Ch. 20; Stats. 1951, Ch. 149), from the State School Construction Fund created by Sec. 18905 of the Education Code. Any school district, elegible on the basis of an attendance formula prescribed (Sec. 18955), may apply through its governing board for an apportionment from this fund, submitting at the same time plans and other information concerning the project, copies of which are referred to the State Director of Finance and to the State Superintendent of Public Instruction for recommendations, Sec. 18956. After consideration of the application and recommendations, the State Allocation Board may make a conditional apportionment, Sec. 18957, which becomes final upon a favorable vote of 2/3 of the district electors authorizing the school board to accept the allocation, spend it for the purpose indicated, and repay it upon terms specified, Sec. 18958.

Any school buildings constructed under this program become the property of the State, for which the school district is said to be acting as agent of the State; but upon full repayment by the district of the allocation made, the State is required to convey title to the school district, Sec. 18953.

In addition to other powers of the State Allocation Board, it has authority, in conjunction with the Department of Education, to establish standards pertaining to building sites and buildings as a condition for making apportionment, Sec. 18959. Regulations of the Department of Education concerning School Housing appear in the California Administrative Code, Title 5, and include two sections relevant here. Sec. 2052 provides that plans for construction requiring state school building aid must be prepared in accordance with the Basic Planning Procedure and Standards of the Department of Education. This would permit forcing the adoption of any special arrangement of space or conduits required by the Department to adapt a new building to more efficient use in AV programs. The other section, however, reads in part as follows:

State: California

Part II - continued (34)

"Sec. 2053. Items Excluded From Plans. (a) The following items shall be excluded from plans for a construction project requiring state school building aid or if included shall be paid for from other than the State School Building Aid Fund:.....

(2) Built-in reversible easel boards

(3) Built-in projection screens

(4) Broadcasting systems, television, records, public address systems, or other intercommunicating devices, except either telephones or a unified signal system approved by the Fire Marshal, which shall not be equipped with radios, record players, tape recorders, and the like, and which shall not be equipped with a larger than 8-inch in diameter speaker, speakers being limited to one in each teaching station with outdoor speakers being limited to those actually replacing fire alarm horns or bells.....Conduit only may be provided for future installation of public address systems.....

(15) All stage or platform curtains, drapes, cycloramas, or banks of colored lights in multipurpose rooms, except minimum required cutoff curtains used with portable stages.....

(18) Display cases in an elementary school which are in excess of five lineal feet.

(19) Display cases in a high school, junior high school, or 7-8 grade departmentalized school which are in excess of a total of five lineal feet or in excess of .02 of a lineal foot for each pupil assigned to the school in the district application, whichever is greater....."

Thus if a school district wanted any of the equipment described above it would have to pay for it out of other funds, such as those collected from local taxation. Or, perhaps it might be able to use the County School Service Fund for some or all of this equipment, or the special equipment and apparatus fund of the county superintendent, as established by Sec. 811 of the Education Code.

A useful institution established by California, which might be used for such supplies, as well as for school supplies in general, is the "school supply revolving fund". A county superintendent may transfer from funds of certain small elementary districts to the "school supply revolving fund" a sum not exceeding 10% of the annual amount received from the State General Fund. This is for the purchase of "standard" supplies under the obligatory procedures for such districts, as provided by Sec. 16501 previously discussed. Similarly, under Sec. 16511, he may make transfers to the "school supply revolving fund" in the case of those larger school districts which have opted, under Sec. 16504, to take advantage of the purchasing procedure of Sec. 16501 for "standard" supplies.

State: California

PART II - continued (35)

The real advantage of these procedures lies in authorizing the county superintendent, through statutory provision or appropriate resolution of the local governing board, to buy certain supplies called "standard" through economical channels in a continuing supply program, without requiring action on each item by the local board. The "school supply revolving fund" contributes to the ease of this process, since the fund can be charged immediately for the purchases, Sec. 16512, and can then be replenished from the general school fund of the district under automatic accounting procedures provided by Sec. 16513. There is no magic in establishing a school supply revolving fund unless the more important provision is made to authorize an official to do the purchasing according to a formula which relieves the local board of authorizing each item or purchase and at the same time protects the local board and district from improvident action of such official.

State: California

Source of information unless otherwise stated: Education Code, 1961, Volumes 1 and 2 (compiled by A. C. Morrison, Legislative Counsel)

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

The following provisions of the Education Code relate specifically to AV:

Sec. 262. The Director of Education may conduct experimental work in education through various media, including radio and vision.

Sec. 263. The Director of Education may develop audial and visual curriculum materials, evolve means and methods, and prescribe standards, for the use of such materials in the public elementary and secondary schools.

Sec. 811. The county superintendent of schools, with the approval of the county board of education, may enter into an agreement with the governing board of any school district under his jurisdiction, to provide for the use by the district of audio-visual equipment and apparatur. The county superintendent of schools is authorized to acquire by purchase, lease, or any other means the equipment and apparatus necessary to provide the service, and to establish facilities for maintaining and servicing such equipment, and for its distribution to school districts. The title to all equipment and apparatus acquired by the county superintendent of schools under this section shall be vested in the office of the county superintendent of schools.

The agreement shall, among other matters, provide for the amount of the payment to be made by the district to the county superintendent of schools, and the time the payments shall be made. The payments made by all districts that have entered into an agreement with the county superintendent of schools under this section shall not exceed the costs of rendering the service. The costs may include any expense necessary to carry out the provisions of this section.

State: California

PART III - continued (2)

The governing board of a school district may withdraw from an agreement by giving notice six months prior to the beginning of the next fiscal year, and the agreement shall terminate on the last day of the then current fiscal year. The terms of an agreement may be changed by mutual consent at any time.

The county superintendent of schools shall transfer the amounts agreed upon, at the time or times agreed upon, from the general fund of the district to the special equipment and apparatus fund of the county superintendent of schools, which fund is hereby authorized. All funds received for the purposes of this section shall be deposited in said fund, and all expenditures made for the purposes of this section shall be made from the fund.

Sec. 991. The governing board of any school district may install and maintain exhibits of educational programs and activities of the schools of the district at any county fair held in the county in which the district is located in whole or in part, or at any agricultural district fair held in the county in which the agricultural district is located in whole or in part.

All necessary costs including transportation costs, incurred in connection with the installing, maintaining, and returning of the exhibits to the district may be paid out of any funds of the district not required to be used for other purposes.

Sec. 8452. No textbook, chart, or other means of instruction adopted by the State, county, city, or city and county boards of education for use in the public schools shall contain any matter reflecting upon citizens of the United States because of their race, color, or creed.

Article 8. Provision of Audiovisual Services

Provision of Audial and Visual Curriculum Materials and Facilities; Provision Under District Agreement

Sec. 8851. (a) The county superintendent of schools may, with the approval of the county board of education, establish, conduct, and maintain facilities, for use in the elementary and secondary schools of the school districts under his jurisdiction that elect to participate in the use of the facilities, which provide for audial and visual curriculum materials, including the necessary salaries, supplies, materials, apparatus, and equipment and other necessary expenses.

(b) The county superintendent of schools shall, with the approval of the county board of education, enter into an agreement with the governing board of any district electing to participate which shall provide for payment by the district for the use of audio-visual facilities. The county superintendent of schools shall, with the approval of the county board of education, prescribe the

method for determining the amount to be paid for the use of the facilities, but in no event shall the total payments made to the county superintendent of schools of any county by the school districts of that county be less than one-half of an amount equal to the total cost of the use of the facilities provided to the school districts electing to participate, less any restricted remaining balance and any amount received by the county superintendent of schools under the provisions of the National Defense Education Act of 1958 (Public Law 864, Eighty-fifth Congress) or under any similar provisions of any other act of Congress, except that the Superintendent of Public Instruction may provide county school service fund money in addition to the established ratio of support in those counties in which he determines that sparsity of population increases operational costs.

(c) Films and filmstrips shall be adopted by the county board of education before they are purchased by the county superintendent of schools.
(Amended by Stats. 1959, Ch. 771.)

Credential Requirements

Sec. 8852. The services described in Section 8851, except clerical, accounting, and stenographic services, shall be performed by persons who hold a valid credential issued by the State Board of Education of one or more of the types specified in Section 8504.

Any person who is employed in the office of a county superintendent of schools on the effective date of this section and is performing any of the services described in this article (commencing with Section 8851) may continue to perform such services without possessing the credential otherwise required as long as he remains continuously employed in his position.

Agreements for Distribution of Audial and Visual Materials

Sec. 8853. The county superintendent of schools may, with the approval of the county board of education, enter into an agreement with the State, any political subdivision, or any agency of the State or of any political subdivision, to conduct and maintain distribution among schools of districts under the jurisdiction of the county superintendent of schools, under such conditions as are agreed upon, of audial and visual instruction materials and apparatus approved by the constituted educational authorities. The State, any political subdivision, or any agency of the State or of any political subdivision may enter into any agreement with a county superintendent of schools authorized by this article (commencing at Section 8851).

Payment for Distribution of Materials

Sec. 8854. The agreement may, among other matters, provide for the payment by the county superintendent of schools, at such times as are agreed upon, from the county school service fund to the State, political subdivision, or agency, of money for the distribution of materials and apparatus among the schools under his jurisdiction.

State: California

PART III - continued (4)

All money transferred shall be used by the authorities of the State, political subdivision, or agency solely for the acquisition of audial and visual materials and apparatus as may be designated by the constituted educational authorities and for the care and distribution to schools of the county of the materials and apparatus.

Acquisition of Materials and Apparatus

Sec. 8855. The county superintendent of schools and the State or any political subdivision, or any agency of the State or of any political subdivision, may acquire materials and apparatus for distribution pursuant to this article (commencing at Section 8851), by purchase, rental, lease, loan, or donation, if the materials and apparatus have been adopted as required by law.

Provision of Audial and Visual Service Under District Contract

Sec. 8856. The governing board of any school district may contract with the county superintendent of schools having jurisdiction over the district, with the State, any political subdivision, or any agency of the State or of any political subdivision, for the rendering to the schools of the district of any service authorized by this article (commencing at Section 8851), and may pay for the service out of any funds of the district.

All funds paid by a school district to a county superintendent of schools for services rendered to the schools of the district shall be deposited in the county school service fund.

Contracts for Television Broadcasts

Sec. 8857. The governing board of any school district or the county superintendent of schools acting with its permission and on behalf of such a board, or boards, may enter into contracts, either alone or in co-operation with other school districts, for the purpose of participating in or the procuring of television broadcasts for use in the educational program of the schools.

The governing board of any school district of the county superintendent of schools, either alone or in co-operation with other school districts or other county superintendents of schools, may purchase broadcast time over, and may own, lease, and operate, television transmitting facilities for use in providing instructional services, teachers' inservice educational services, which the governing board or the county superintendent of schools is otherwise authorized to provide, and may provide necessary services in connection therewith. The governing board of a school district or the county superintendent of schools which is the owner or lessee of television transmitting facilities may sell broadcast time, on a reimbursement basis, to any other school districts or county superintendent of schools for instructional services and teachers' inservice educational services upon such terms as are mutually agreed upon.

PART III - continued (5)

The governing board of a school district and a county superintendent of schools may accept grants-in-aid from any public or private source in carrying out the purposes of this section. (Amended by Stats. 1961, Ch. 656. In effect June 2, 1961.)

Article 8.5. Television Advisory Committee
(Article 8.5 added by Stats. 1961, Ch. 2065)

NOTE: Stats. 1961, Ch. 2065, also contained the following provision: Sec. 2. This act shall become operative only on the date when federal grants in aid for educational television first become available to public agencies in this State.

Creation and Composition

Sec. 8871. There is hereby created within the Department of Finance the Television Advisory Committee. The committee shall be composed of the Director of Finance or his designated representative, and four members appointed by the Governor as follows:

(a) One representative of the University of California, to be nominated by the board of regents.

(b) One representative of the Trustees of the California State Colleges, to be nominated by the trustees.

(c) One representative of the State Board of Education, to be nominated by the board.

(d) One member who shall represent the existing community educational television channels.

The committee shall elect one of its members as chairman.

(Added by Stats. 1961, Ch. 2065. See note at beginning of article.)

Term of Service; Expenses

Sec. 8872. The members of the committee shall serve at the pleasure of the Governor, and shall serve without compensation, but shall be entitled to their expenses actually and necessarily incurred by them in the performance of their duties.

The expenses of the representatives of the board of regents, Trustees of the California State Colleges, and the Board of Education shall be paid by the agency which they represent. The expenses of the other members shall be paid by the Department of Finance.

(Added by Stats. 1961, Ch. 2065. See note at beginning of article.)

State: California

PART III - continued (6)

Duties of Television Advisory Committee

Sec. 8873. The committee shall provide advice and guidance to the Television Co-ordinator in carrying out his functions and duties.

(Added by Stats. 1961, Ch. 2065. See note at beginning of article.)

Television Co-ordinator

Sec. 8874. There is hereby created within the Department of Finance, the position of Television Co-ordinator, who shall be appointed by the Governor. The person so appointed shall have demonstrated experience in planning, promotion and administration in the field of television or related activities. The salary of the co-ordinator shall be fixed by the Director of Finance in accordance with law. He shall serve at the pleasure of the Director of Finance.

(Added by Stats. 1961, Ch. 2065. See note at beginning of article.)

Duties

Sec. 8875. The Television Co-ordinator shall prepare a plan for television to serve the educational needs of the State. Such plan shall assure the most effective and economical utilization of human resources, public funds and channels of transmission.

The co-ordinator shall also (1) serve as the official state agency for processing applications for federal funds which may become available for television for educational purposes, and for receiving and distributing such funds, (2) act in an advisory capacity in recommending to the appropriate federal agency or agencies the allocation of television channels which become available for educational purposes, (3) co-ordinate the activities of the various public and nonprofit agencies concerned with television for educational purposes, and (4) serve as a clearinghouse for information on television for educational purposes.

Nothing in this section shall require the Board of Regents of the University of California or any other agency to submit requests for federal funds through the co-ordinator if such funds are for a purpose other than a capital outlay for television purposes unless federal law requires that all the federal funds must go through a single state agency.

(Added by Stats. 1961, Ch. 2065. See note at beginning of article.)

State: California

PART III - continued (7)

Limitation of Jurisdiction

Sec. 8876. The co-ordinator shall not have any jurisdiction over the matter of the educational content of television programs.

(Added by Stats. 1961, Ch. 2065. See note at beginning of article.)

Application for Television Transmission License

Sec. 8877. All applications for television transmission licenses submitted for or on behalf of any school district, state college, or the University of California shall be submitted to and be reviewed by the co-ordinator before being submitted to the Federal Communications Commission.

(Added by Stats. 1961, Ch. 2065. See note at beginning of article.)

Applications on Behalf of a School District

Sec. 8878. All applications on behalf of any school district for television transmission licenses or federal funds for educational television purposes shall first be submitted to the Department of Education.

(Added by Stats. 1961, Ch. 2065. See note at beginning of article.)

Sec. 9351. The State Board of Education may:.....

(c) Purchase books when necessary, or lease plates, maps, engravings, or copyright matter for use in manufacturing textbooks.

Sec. 15958. The governing board of any school district may purchase supplementary textbooks, library books, and educational films, test materials, and workbooks, in any amount needed for the operation of the schools of the district without taking estimates or advertising for bids.

(Amended by Stats. 1959, Ch. 333.)

NOTE: Stats. 1959, Ch. 333, also contained the following provision: Sec. 2. The amendment of this section made by the 1959 Regular Session of the Legislature does not constitute a change in, but is a restatement of, the pre-existing law, without substantive change.

Sec. 23624. The trustees, on behalf of any state college, may enter into contracts for the purpose of participating in or the procuring or transmitting of television broadcasts, may purchase broadcast time over, and may own, lease and operate television transmitting facilities for use in providing educational, noncommercial television broadcasts, and may provide necessary services in connection therewith.

No state money other than that which is specifically appropriated for the purposes of this section shall be expended by the trustees for the implemention of this section.

(Added by Stats. 1961, Ch. 2077.)

PART III - continued (8)

This provision might be relevant in a situation, as found in some other States, in which a state college obtains a license from FCC and broadcasts not only for its own benefit but also for the benefit of nearby elementary and secondary schools.

Sec. 27052. The Department of Education shall also:

(a) Purchase books, maps, engravings, paintings, and furniture for the library.

(b) Number and stamp all books and maps belonging to the library, and keep a catalog thereof.

(c) Have bound all books and papers that require binding.

(d) Keep a register of all books and property added to the library, and of the cost thereof.

(e) Keep a register of all books taken from the library.

Sec. 27054. The Department of Education may:

(a) Contract with counties, cities, or districts within this State, agencies of the State, and agencies of the United States Government for the purpose of providing library services.

(b) Establish and operate library service centers.

Sec. 27158. The board of supervisors of any county in which a county free library has been established may enter into contracts with any city maintaining a free public library, and any such city, through its board of trustees or other legislative body, may enter into contracts with the county to secure to the residents of the city the same privileges of the county free library as are granted to, or enjoyed by, the residents of the county outside of the city, or such privileges as are agreed upon in the contract, upon such consideration named in the contract as is agreed upon, to be paid into the county free library fund. Thereupon the residents of the city shall have the same privileges with regard to the county free library as the residents of the county outside of the city, or such privileges as are agreed upon by the contract.

Sec. 28801. Any person who maliciously cuts, tears, defaces, breaks, or injures any book, map, chart, picture, engraving, statue, coin, model, apparatus, or other work of literature, ert, mechanics, or object of curiosity, deposited in any public library, gallery, museum, collection, fair, or exhibition, is guilty of a misdemeanor.

State: California

PART III - continued (9)

California Administratave Code:

Sec. 1493. Limitations on Purchases. The county superintendent of schools shall observe the following limitations in purchasing or replacing capital outlay items:

(a) For the operation of a library and supplementary book service, the purchases of books and other instructional materials shall be limited to those books and materials adopted by the county board of education.

(b) For the operation of audio-visual services, the purchases of films and film strips shall be limited to films and film strips adopted by the county board of education.

(c) The purchase of projection equipment shall be limited to:

(1) Equipment for use of the staff of the county superintendent of schools for authorized curricular and special services.

(2) Equipment for use of such staff in programs of orienting school districts to audio-visual services.

(3) Equipment for loan to school districts in emergency cases of breakdown or failure of district-owned equipment.

(4) Equipment for use in educational services.

Sec. 1528. Audio-Visual Services. For the purpose of providing audio-visual services to contracting districts in a county as provided by Education Code Sections 8851-8856, the Superintendent of Public Instruction shall allow the amount requested by the county superintendent of schools or the amount contributed by districts in the county during the preceding fiscal year for audiovisual services, whichever is the lesser.

Beginning with 1961-62, amounts contributed by districts during the preceding year for the special purpose of matching federal funds for a project under Title III of the National Defense Education Act of 1958 shall be excluded when computing the allowance under this section.

History: 1. Amendment filed 9-24-59; effective thirtieth day thereafter (Register 59, No. 16).
2. Amendment filed 6-29-60; effective thirtieth day thereafter (Register 60, No. 15).

Sec. 1529. Audiovisual Funds Restricted. The allowances, federal allocations and contributions for audiovisual services shall be kept as a restricted portion of the county school service fund of the county and shall be expended only for audiovisual purposes.

History: 1. Amendment filed 6-29-60; effective thirtieth day thereafter (Register 60, No. 15).

State: California

PART III - continued (10)

Sec. 2053. Items Excluded From Plans. (a) The following items shall be excluded from plans for a construction project requiring state school building aid or if included shall be paid for from other than the State School Building Aid Fund:.....

(4) Broadcasting systems, television, recorders, public address systems, or other intercommunicating devices, except either telehpones or a unified signal system approved by the Fire Marshal, which shall not be equipped with radios, record players, tape recorders, and the like, and which shall not be equipped with a larger than 8-inch in diameter speaker, speakers being limited to one in each teaching station with outdoor speakers being limited to those actually replacing fire alarm horns or bells.....Conduit only may be provided for future installation of public address systems.....

(15) All stage or platform curtains, drapes, cycloramas, or banks of colored lights in multipurpose rooms, except minimum required cutoff curtains used with portable stages.

State: California

Source of information unless otherwise stated: Education Code, 1961, Volumes 1 and 2 (compiled by A. C. Morrison, Legislative Counsel)

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject.
Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or
No

Yes 2. Planning the use of AV aids

(a) Secs. 263, 811, 8851-8857, 8871, 8872, 8873, 8874, 8875, 8877, 8878, 23624; Calif. Admin. Code, Title 5, Sec. 1493c, ibid., Secs. 2052 and 2053 (a-2,-3,-4,-15,-18,-19),
(b) Secs. 153, 501, 502, 8501, 7509, 984, 1002.

Yes 3. Preparing curricula

(a) Secs. 263, 811, 8851, 8857
(b) Secs. 654, 655, 656, 7601-7607, 8501, 8503, 8551, 8601, 8602, 7552, 7553, 7700, 7509, 7851, 7852, 7853, 7901, 7903, 8201

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

(a) Secs. 263, 811, 8851, 8857, 8871, 8874, 8877, 8878 Calif. Admin. Code, Title 5, Sec. 1493c-2,
(b) Secs. 157, 253, 8501, 8503, 8551, 8601, 8602, 8801, 1493, 984, 1000, 1001

Yes 5. Organizing AV units and cooperative activities

(a) Sec. 811, 8851, 8857, 8875, 23624, 27054(b),
(b) Sec. 362, 1173, 6601, 1493, 1002.

Yes 6. Conferring on AV use outside of State educational structure

(a) Secs. 811, 991, 8851, 8857, 8874, 8875, 8877

State: California

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)
(a) Secs. 263, 811, 8452, 8851, 8853, 8854, 8855, 8856, 8857, 15958

Yes 8. Selecting textbooks (and observing academic freedom)
(b) Secs. 9301-9851, 9302, 9303, 9304, 9305, 9306, 9307, 9351, 9451, 9452, 9453, 9501, 9502, 802, 10001, 10002, 10052, 9251, 9959

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks
(a) Secs. 811, 8851, 8855, 8856, 8857, 8877, 9351(c), 15958, 27052(a), Calif. Admin. Code, Title 5, Sec. 1493 a, b, c;
(b) Sec. 254, 255, 8501, 1172, 16501, 16503, 16504, 16505, 16508, 7251, 7302, 7301, 10002, 8801, 8802, 1091, 1092, 7351, 15961, 15962, 15963, 16511, 16512, 16513

Yes 10. Financing acquisition by rent or purchase
(a) Secs. 811, 8851, 8854, 8856, 8857, 23624, Calif. Admin. Code, Title 5, Sec. 1528, 1529, 2053
(b) Secs. 261, 651, 20601, 20605, 20606, 20504, 20651, 20701, 20702, 20703, 20704, 20705, 20751, 20801, 20803, 20951, 17701-17705, 17651, 21800 (see Topic 19)

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel
(a) Secs. 263, 811, 8851-8857, 8877, 8878, 27052
(b) Secs. 152, 253, 254, 255, 359, 801, 803-806, 651, 8601, 8602, 8603, 901, 984, 13566

Yes 12. Distributing AV aids
(a) Secs. 811, 8851, 8853, 8854, 8856, 8857
(b) Secs. 7051, 7052, 7101, 7201, 8801, 8802, 8804, 8805, 9155

Yes 13. Producing AV aids
(a) Sec. 263, 991, 8857, 8877, 8878, 9351
(b) Secs. 157, 253, 9155

Yes 14. Certificating teachers and AV professionals
(a) Sec. 8852
(b) Art. IX, Sec. 7, Constitution, Secs. 152, 253, 756-766, 8503, 8504, 13101-13570, 13580-13756, Calif. Admin. Code, Title 5, Secs. 200-846

Yes 15. Prescribing qualifications of using personnel
(a) Sec. 8852
(b) Secs. 251, 9152, 1002, 1551

State: California

PART IV (continued)

Yes or No

Yes 16. Accrediting schools
(a) Sec. 263
(b) Secs. 152, 7509, 7510, 7604, 7605, 7700, 8501

Yes 17. Building or remodeling schools to facilitate AV use
(a) Secs. 263, Calif. Admin. Code, Title 5, Sec. 2053
(b) Secs. 15351, 15301-15718, 18901-19153, Calif. Admin. Code, Sec. 2052, 2000-2227

Yes 18. Federal aid to schools
(a) Secs. 8851, 8857, Calif. Admin. Code, Title 5, Sec. 1529
(b) Secs. 553, 555, 254, 255, 18601-18783

Yes 19. State aid to schools
(a) Secs. 811, 8851-8856, Calif. Admin. Code, Title 5, Sec. 1528, Sec. 1529, Sec. 2053
(b) Secs. 259, 261, 18354, 8501-9157, 880, 7302, 7301, Art IX, Sec. 4, Constitution; Art. IX, Sec. 6, Constit., 17151-20007, Calif. Admin. Code, Title 5, Secs. 2052, 2053;
Yes 20. Private aid to schools 27000-28802, 21800
(a) Sec. 8857
(b) Sec. 988, 989

Yes 21. Library programs
(a) Sec. 27052, 15958
(b) Secs. 27004, 9454, 362, 27001, 27002, 261, 7201-7353, 8801, 8802, 8803, 8805, 7302, 7301, 7208, 7201

Yes 22. Research programs
(a) Secs. 262,263, 8875
(b) Secs. 918, 9154

Yes 23. Institutes
(b) Secs. 9051, 9052, 13361-13380, 13621, 13622

Yes 24. Other established procedures
(a) Sec. 991, 8857
(b) Secs. 9101, 1131

State: California

PART IV - continued (4)

Topic 2 - Planning the use of AV aids

(a) Specific

Sec. 263. The Director of Education (Superintendent of Public Instruction) may develop audial and visual curriculum materials for use in the public elementary and secondary schools, evolve means and methods, and prescribe standards therefor. To do this he must plan and exercise leadership.

Sec. 811. The county superintendent of schools, with approval of the county board, may enter into agreements with the governing board of any school district under his jurisdiction to provide audio visual equipment and apparatus for the use of the district. He is authorized to acquire by purchase, lease, or otherwise such equipment necessary to provide the service contracted for, and to establish facilities for maintaining such equipment and for distributing it to school districts. He retains title to equipment bought by him, and the district pay him for the use and servicing but no profit. Payment is made by his transferring from the general fund of the contracting district the amount agreed upon by him and it and then crediting that amount to the "special equipment and apparatus fund" maintained by him. All expenditures made by him to implement the program under this section shall be from this fund. While there may be considerable ministerial work here, the county superintendent and the local district must both make some plans, and the county board approves the final result. Sec. 880, added by Stats.1961, Ch. 1794, provides that expenses for carrying out the provisions of Sec. 811 and certain others shall be paid out of the county school service fund. This seems to make the intent and procedure of Sec. 811 almost identical with those of Sec. 8851, but both remain on the Statute books.

Secs. 8851-8857 describe a related program called "Audiovisual Services". Sec. 8851 authorizes the county superintendent, with approval of the county board, to enter into agreements with district boards, somewhat similar to those described in Sec. 811, supra, for the use of audio-visual facilities in elementary and secondary schools. The school districts elect to participate in the use of the facilities and bind themselves to pay certain sums determined by the county superintendent, with approval of the county board, but in no case less than 1/2 the cost of necessary salaries, supplies, materials, apparatus, equipment and other necessary expenses, after deducting allowances received by the county superintendent under NDEA and other incidental deductions. But the Superintendent of Public Instruction may provide additional county school service fund moneys to equalize operational costs in sparsely populated counties. The county superintendent is authorized under the same section, with approval of the county board, to "establish, conduct, and maintain facilities" required for the program, but he is not authorized to purchase films and filmstrips until they have been "adopted" by the county board.

State: California

PART IV - continued (5)

Sec. 8853 authorizes the county superintendent, with approval of the county board to enter into agreements for the distribution of approved audial and visual instruction materials to schools in his jurisdiction by the State or a political subdivision thereof or an agency of either.

Sec. 8854 authorizes the county superintendent to pay for this distribution service from the county school service fund. Authorities of the State, political subdivisions, or agency receiving the money are to use it solely for the purchase, maintenance and distribution of such approved audial and visual materials and apparatus.

Sec. 8855 authorizes the county superintendent of schools as well as the State or any political subdivision of it or agency of either to acquire by purchase, rental, lease, loan, or donation, any materials and apparatus for distribution under this program if the materials and apparatus have been "adopted" as required by law.

Sec. 8856 authorizes the governing board of any school district to contract with its county superintendent or with the State, any of its political subdivisions or any agency of either, to perform any service provided for in these several sections (8851-8857), and it may pay for such services out of any funds of the school district. A county superintendent receiving payment must deposit the amount in the county school service fund.

Sec. 8857 authorizes the governing board of any school district, or a county superintendent acting for it with its permission,

1. to contract to participate in or procure educational TV broadcasts

2. to purchase time on TV stations, or to own, lease, or operate such facilities for providing instructional services or teachers' in-service educational services, if the governing board or county superintendent is otherwise authorized to provide them, and to provide necessary services connected with such an undertaking

3. to sell broadcast time on a reimbursement basis, if owner of the TV station, to any other school district or county superintendent for instructional services and teachers' in-service educational services

4. to receive grants in aid from any public or private source to carry out the program.

All of these sections (8851-8857) require interaction among officials and planning by county superintendents, county boards, and local boards, and in lesser degree by those State and other local officials and agencies cooperating with them.

State: California

PART IV - continued (6)

In Article 8.5 (Secs. 8871-8878) "Television Advisory Committee", there is also provision for planning at service levels.

Sec. 8871 creates the Television Advisory Committee and Sec. 8874 establishes the office of Television Co-ordinator, significantly in the Department of Finance. The Committee advises the Co-ordinator, Sec. 8873.

Sec. 8875 requires the Co-ordinator to prepare a plan for educational TV. Thus both he and the Committee participate in planning. His function, and therefore his planning, lies in processing applications for Federal funds for ETV, recommending to Federal officials allocation of ETV channels, co-ordinating activities of various agencies concerned with ETV, serving as clearing house for information on ETV. But he has no authority over the content of ETV programs, Sec. 8876. All applications for broadcasting licenses are to be reviewed by him, Sec. 8877, which no doubt provides occasion for additional planning in integration.

Sec. 8878 requires that application by a school district to broadcast must first be submitted to the Department of Education, which provides occasion for planning on its part, as well as by the applicant district.

Sec. 23624 authorizes the trustees of any State college to participate in, procure, or make ETV broadcasts, to own and operate transmitting stations, and to provide necessary services connected therewith. If the pattern in some other States is followed, such a station might also broadcast programs for the public schools at lower levels, which would entail planning in the college, in the State Department of Education, and in local districts (governing boards).

California Administrative Code, Title 5, Sec. 1493 narrows the authority of the county superintendent to purchase certain capital outlay items, but permits purchase of projection equipment for educational services, including that used for orienting staff members in audio-visual services,(subsec. c). This entails planning on his part, since he controls county programs for this purpose.

Sec. 2052 of the same Administrative Code requires that plans for school construction requiring State aid must conform to requirements of the Department of Education. This would involve planning by the Department and by local districts in the installation of facilities in buildings for AV programs.

Sec. 2053 (subsec. a) of the Administrative Code, however, excludes from State aid building allowances certain AV equipment, which must be purchased by the school district with other funds. Planning by the district is involved.

State: California

PART IV - continued (7)

(b) General

Sec. 153 requires the State Board to make plans for improving the public schools, which could certainly extend to AV.

Sec. 501 creates the State Council of Educational Planning and Co-ordination, of which the Superintendent of Public Instruction is a member. Its function, Sec. 502, is to study problems of relationship between public schools and colleges with a view to integrating programs at the two levels. This could involve planning for AV instruction.

Sec. 8501, the first in Chapter 6, "County school service fund services", states the policy of the Legislature in establishing a fund for distribution among county superintendents to provide assistance and guidance to school districts in various activities including audio-visual services (Secs. 8851-8857). In this general program, there is a high degree of planning by the county superintendent, by participating school boards, and by the Superintendent of Public Instruction to whom budgets for this program are sent.

Sec. 7509, requiring the Curriculum Commission to recommend minimum standards to the State Board of Education, could be used by both as authority to plan for AV instruction.

The general authority of a local school board to regulate schools, and enforce rules and examine their needs, Sec. 984, and its authority to prescribe duties of all school employees would extend to planning for AV instruction and for a staff competent to give it.

In addition to the general authority of the State Board referred to above, Sec. 153, it is obvious that the authority of the Superintendent of Public Instruction to superintend the schools of the State, Sec. 253, and of the county superintendents to superintend the schools of their counties, Sec. 801, implies a considerable degree of planning in this area.

Topic 3 - Preparing curricula

(a) Specific

In developing AV curriculum materials, Sec. 263, the Superintendent of Public Instruction must take some part in deciding upon curricula.

Sec. 811. The county superintendent, who takes the lead, and the county board, which approves his action in making agreements with local boards to provide AV services through use of equipment acquired by him, have at least a recommending function in preparing curricula through the choice of AV materials offered to the schools for the service.

The same indirect influence could be exerted under agreements for similar programs for AV material (Sec. 8851) or ETV (Sec. 8857), conducted with support from the County School Service Fund, as described in Topic 2 above.

State: California

PART IV - continued (8)

(b) General

Sec. 654 - County boards prescribe the course of study for elementary schools in their district (except in cities with a board of education, Sec. 655) and may change such courses (Sec. 656) subject to the basic course requirements established by the Legislature (Secs. 7601-7606). Under this authority they could include AV materials.

Under the broader authority of Sec. 7553 county boards prescribe and enforce a course of study in "the public schools" (which means all levels), except in those cities having a board of education (higher than ordinary board of trustees), where the city board prescribes courses for kindergarten, elementary, and high schools, Sec. 7552. In both cases the board could prescribe use of AV material in courses. But exercise of this power, in case of both types of boards, is subject to approval of the State Board for grades 7 through 12, Sec. 7700. It thus participates in some degree in preparing curricula. Also the Curriculum Commission recommends basic standards to the State Board, Sec. 7509, and when the Board adopts standards for courses they must be followed, Sec. 7510. These might have some requirements for AV instruction, although this relates more to method than to substance.

In Chapter 3, Div. 7, (Secs. 7851-8165), the Legislature has left no choice in certain areas by prescribing "Specified Required Courses of Study" in Morals, Manners and Citizenship (Secs. 7851-7854), History and Government (Secs. 7901-7906), Outdoor Science Conservation and Forestry (Secs. 7951-7964), Public Safety and Accident Prevention (Secs. 8001-8004), Fire Prevention (Sec. 8051-8056), Driver Education and Training (Sec. 8101-8112), and Physical Education (Sec. 8151-8165). The provisions on Forestry are more permissive than directive. Chapter 4 of the same Division contains provisions concerning "Permissive Courses of Study" which the Legislature has authorized local boards to prescribe, in their discretion, in such fields as Moral and Religious Instruction (Sec. 8201), Military Science and Tactics (Sec. 8251), Instruction by Correspondence (Secs. 8301-8302), Work Experience Education (Secs. 8351-8358), and Aviation Education Secs. 8401-8404). Also in Chapter 5, "Prohibited Instruction", of the same Division, the Legislature has placed limitations on choice by prohibiting courses reflecting on race, color or creed (Secs. 8451, 8452), use of sectarian, partisan, or denominational material (Sec. 8453), propaganda material (Sec. 8454), or advocacy or teaching of principles of Communism (Sec. 8455). All such provisions go to subject rather than to method, but they indicate at lease the areas in which AV could not be used in preparing curricula.

Sec. 8501 states the policy of the Legislature in establishing the County School Service Fund, one purpose of which is to provide small school districts with professional help in preparing courses of study. Sec. 8503 authorizes the county superintendent to employ personnel for coordination of studies, and other purposes, and Sec 8551 authorizes him, with approval of his county board, to provide for preparing courses of study in elementary schools under his jurisdiction (except those in cities having a board of education), and, under Sec. 8552, to enter into agreements with local boards for that purpose. In such agreements he obviously has power to recommend,

if not to decide upon, courses of instruction and material required to teach them.

Sec. 8601 authorizes the county superintendent, with approval of his county board, to employ supervisors of instruction in certain small elementary school districts, and Sec. 8602 authorizes him, with similar approval, to contract with any elementary school district in his county to provide such supervisors. These officials, who must meet certain credential requirements, Sec. 8603, might naturally enough recommend certain courses or AV materials for them, in discharging their supervisory duties.

Topic 4 - Advising on use of AV aids

(a) Specific

In developing AV curricular material and prescribing standards for their use in the schools, Sec. 263, the Superintendent of Public Instruction is advising subordinate units.

When the county superintendent contracts with school districts to provide AV equipment and apparatus under Sec. 811 or Sec. 8851 et seq., or to provide for or participate in ETV broadcasts, Sec. 8857, he necessarily exercises an advisory function.

The Television Advisory Committee, Sec. 8871, is essentially advisory. The Television Co-Ordinator, Sec. 8874, doubtless exercises some advisory function when applications for TV broadcasting licenses are submitted to him on behalf of school districts, Sec. 8877, as the Department of Education doubtless does also when such applications are submitted to it, Sec. 8878.

The county superintendent is providing for advice to teachers on AV use when he buys projection equipment for use of staff personnel in programs for "orienting school districts to audio-visual services", California Administrative Code, Title 5, Sec. 1493c.

(b) General

The State Board, in ordering publications by the State Printer, Sec. 157, doubtless provides lists of AV aids as well as pamphlets containing advice and instructions on their use.

The State Superintendent of Public Instruction, in preparing, having printed, and furnishing to teachers and officers forms and books necessary for the discharge of their duties, Sec. 253 (b), doubtless includes lists and advisory pamphlets on AV material and its use.

The underlying purpose of statutes relating to County School Service Fund Services, Sec. 8501 et seq., is to provide professional and financial assistance to school districts in various activities and procedures, each of which involves in greater or lesser degree giving advice and guidance. Thus a county superintendent is authorized

State: California

PART IV - continued (10)

by Sec. 8503, with approval of his bounty board and in conformity with regulations of the Superintendent of Public Instruction, to employ qualified personnel to provide for co-ordination of courses of study, and various guidance and advisory services among schools under his jurisdiction.

Expert and professional advice on the use of AV aids could be given by the county superintendent or his "service" staff in the preparation of courses of study (Sec. 8551), in the supervision of instruction in certain small schools (Sec. 8601) or in other schools by agreement (Sec. 8602), or even in school and county library services (Sec. 8801 et seq.) which could include provision for use of some AV material such as films.

Even without the authority provided for the County School Service Fund program, a unified school district may join with other school districts for the joint employment of supervisors of instruction (Sec. 1493) who could perform similar advisory functions.

The governing board of any school district is required by Sec. 984 to visit schools and inquire into their needs, which might afford occasion for advising on AV material. They are also required to employ a principal for each school in the district (Sec. 1000) who might be chosen with some reference to his ability to advise on AV matters. And certain larger districts are authorized to employ jointly a supervisory principal (Sec. 1001) to supervise instruction, in connection with which activity he might be required by the several boards to advise on AV use. The governing board of any school district can prescribe the duties of its employees (Sec. 1002).

Topic 5 - Organizing AV units

(a) Specific

Agreements of county superintendents with school districts to supply them with AV equipment, Secs. 811, 8851, and ETV, Sec. 8857, contemplate employment of staff assistants as an expense necessary to carry out the program (Secs. 811, 8851) for whom a salary allowance is prescribed in Sec. 8851, and a credential requirement in Sec. 8852. The requirements that the county superintendent provides "necessary services" for ETV, Sec. 8857, would also cover this. A unit could be established in his office and if necessary in the school districts as well.

The Television Co-ordinator, Sec. 8875, would also need a staff, and any school district operating an ETV station, or even participating in a program provided by others, would require a special unit, as one of the "services" required by Sec. 8857 authorizing it to operate or participate. Parallel authority is found in Sec. 23624 authorizing college boards to participate in or operate ETV broadcasts and to provide "necessary services" therefor.

Authority of the Department of Education to establish and operate library service centers, Sec. 27054b, suggests the probability of establishing special units to handle educational films.

(b) General

The State Board of Education has authority, under Sec. 362, to organize divisions in the Department of Education upon recommendation of the Superintendent of Public Instruction and no doubt has already organized at least a small unit to deal with AV.

The board of a union school district has specific authority under Sec. 1173 to "select employees and arrange for the organization of the school".

The board of education in certain large cities may establish foreign language classes in an elementary, "cosmopolitan" school, Sec. 6601, and for that purpose might establish a special unit to handle AV language aids, such as those provided under the NDEA program.

The board of a unified district may agree with other school boards for the joint employment of a supervisor of instruction, Sec. 1493, which might lead to establishing an AV unit on his staff or in the schools.

The board of each school district is authorized to prescribe duties of school employees, Sec. 1002, and could assign some of them to an AV unit.

Topic 6 - Conferring on AV use outside of State educational structure

(a) Specific

The authority of the county superintendent to provide AV equipment and services to school districts under agreement with him, Secs. 811, 8851, 8857, implies authority to confer, outside of the educational hierarchy, with persons or organizations concerning procurement and use of such equipment.

One function of the Television Co-ordinator, Sec. 8874, is to confer with Federal authorities and various public and non-profit organizations concerning ETV, Secs. 8875, 8877.

Topic 7 - Selecting AV aids

(a) Specific

Under authority of Sec. 263 to "develop" AV aids and "evolve means and methods, and prescribe standards", the Superintendent of Public Instruction necessarily does some selecting.

In the programs of Secs. 811, 8851, 8853, 8854, 8855, 8856, and 8857, for the county superintendent to provide AV equipment and services for use of school districts, he must do some selecting

and recommending when he procures such equipment or provides the service, although pursuant to Sec. 8851c films and filmstrips must be "adopted", that is formally selected as a requirement for schools, by the county board before they are purchased by the county superintendent. In contrast, the Co-ordinator of Television shall have no jurisdiction over the content of ETV programs, Sec. 8867.

School boards not obtaining all AV equipment through the county superintendent may purchase several types of supplemental instructional material, including educational films, in any amount needed, without taking estimates or advertising for bids, Sec. 15958, and obviously make their own selection.

Under Sec. 8452 no educational unit may "adopt" a chart or other means of instruction which reflects upon citizens of the United States because of their race, color, or creed. However, reasonable, this is a statutory restriction on selection. Other provisions of related character appear in the group of statutes "Prohibited Instruction", Secs. 8451-8455, but do not refer specifically to any AV medium. While equally reasonable, they actually constitute a statutory limitation on unrestricted selection.

Topic 8 - Selecting textbooks

Textbook laws are not used in California to purchase AV equipment, as they are in some States, but are here referred to for comparative study and for uniform functional presentation of laws of all of the States. See page 4-5 of Part II above for a discussion of textbook laws.

Article IX, Section 7 of the Constitution gives broad powers and directives to the State board of education to provide, compile and adopt a uniform series of textbooks for use in elementary schools throughout the State. The State board may have such textbooks printed at the State printing office. Upon publication they shall be furnished and distributed by the State free of cost to all children attending elementary schools, under such conditions as the Legislature shall prescribe.

The Legislature has implemented these directives by Secs. 9301-9851 of the Education Code relating to textbooks for elementary schools.

Sec. 9302. The State board shall "adopt" one or more basic textbooks in each of the subjects prescribed for elementary schools by Sec. 7604 (the basic requirements) with certain minor exceptions, and may "adopt" other textbooks, supplementary textbooks, and teachers' manuals for use in the elementary schools. Provision is made for the period of time during which such books shall be used. Such books are referred to elsewhere as "State textbooks" and use of them is obligatory. Sec. 9302, however, provides that the governing board of many school districts may order and purchase such supplementary textbooks as are required.

State: California

PART IV - continued (13)

The State curriculum commission shall recommend to the State board specifications for textbooks to meet minimum standards for courses of study, Sec. 9303, and it may make recommendations to the State board concerning specific books under consideration for "adoption", Sec. 9304.

The State board is required to give the State curriculum commission a public hearing before adopting textbooks, Section 9305, and to make them available in at least ten public libraries for inspection during the 30-day period before final adoption, Sec. 9306. Sec. 9307 repeats the directive of the constitutional provision requiring the state board to make suitable textbooks available for the use of pupils and teachers in the elementary schools, and adds some details.

Sec. 9351 authorizes the State board to compile and manufacture textbooks, purchase them when necessary, lease plates and copyrighted material and arrange for the printing of textbooks by the State Department of Finance. Following sections relate to accounting, copyright, royalties and procedural matters, involved in printing and so on.

When the State board "adopts" a textbook, it determines the date when it shall be put into use, Sec. 9451, the superintendent of public instruction gives notice of the adoption and the date, sec. 9452, the State board enforces the uniform use of the textbook, Sec. 9453, and the State superintendent of instruction supplies the books to the school districts and county superintendents, Sec. 9501, without charge to them or to any pupil or teacher, Sec. 9502.

County boards may also "adopt" books for supplementary use in elementary schools, Sec. 9551, but pupils shall not be required to purchase them and must be so informed, Sec. 9552, and when they are purchased they shall be paid for by the school district, Sec. 9553.

All of the references above are to textbooks for use in the elementary schools. Under Section 10001 the governing board of each district maintaining one or more high schools shall "adopt" textbooks for use in the high schools under its control. There is no restriction on choice except that the publishers of such textbooks must have filed a bond with the State board of education, ibid., and the State board shall designate the kinds of books to be classified as textbooks for high schools, Sec. 10002.

The governing board of ea n high school district shall purchase textbooks for its high school pupils, and the textbooks remain the property of the district and shall be supplied to the pupils for use without charge, Sec. 10052.

The governing boards of all school districts shall enforce in their schools the use of textbooks prescribed and "adopted" by the proper authority, Sec. 9251. The county boards of education, except in cities having a city board of education, may enforce in the

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PART IV - continued (14)

public schools the use of a uniform series of textbooks, Sec. 9252, and a county superintendent of schools shall enforce the use of "State textbooks" and of high school textbooks regularly "adopted" by the proper authority, Sec. 802.

Under Sec. 9959, if the State board finds that a textbooks offered for use in any public high school contains sectarian or denominational doctrine contrary to law, or injurious propaganda, it can have the book investigated by a committee, hold hearings, and, upon an affirmative finding, prohibit the further use of such a textbooks.

Topic 9 - Acquiring AV aids

(a) Specific

The method of acquiring AV aids under Secs. 811, 8851, 8855, 8856, 8857, and of applying for license to transmit ETV, Sec. 8877, is described in detail under Topic 2 above.

The authority given to the State board under Sec. 9351 relating to the manufacture of textbooks, extends to the lease of plates, maps, and engravings.

Under Sec. 15958, the governing board of any school district is exempted from taking estimates or advertising for bids for the purchase of certain equipment including educational films and test materials.

Sec. 27052, relating to the State library program, requires the Department of Education to purchase certain equipment including maps, engravings, and paintings for the library.

The California Administrative Code, Title 5, Sec. 1493 imposes limitations upon the county superintendent of schools in the purchase or replacement of certain capital outlay items. These limitations apply to

For the

(a) Operation of a library and supplementary book service, the purchase of books and "other instructional materials", unless "adopted" by the county board

(b) For the operation of audio-visual services, the purchase of films and filmstrips, unless they have been "adopted" by the county board

(c) The purchase of projection equipment, unless it is (1) for use of his staff for authorized curricular and special services; (2) for use of his staff in programs of orienting school districts to audio-visual services; (3) for loan to school districts in emergency cases of breakdown or failure of equipment owned by them; and (4) for use in educational services.

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PART IV - continued (15)

(b) General

Sec. 254 of the Education Code requires the superintendent of public instruction to prescribe regulations under which contracts or agreements may be made with agencies of the federal government for funds, services, commodities, or equipment to be made available to schools of the public school system, and Sec. 255 requires that all such contracts or agreements shall be entered into only in accordance with the regulations prescribed by him.

Sec. 8501 describes the general policy of the legislature in establishing the county school service fund to assist school districts in obtaining various services and the use of equipment which might not be available to them otherwise. Some services and equipment referred to in following sections relate to AV aids. As described under Topic 2 above, the county superintendent provides the service and the equipment.

Under Sec. 1172, the boards of union or joint union districts may appoint an executive committee to attend to the routine business of the board, reporting their action for subsequent ratification. Such officials may participate in procuring equipment.

Sec. 16501 directs each county board of education to issue periodically rules and regulations under which certain small elementary school districts are required to purchase "standard school supplies and equipment" through the county superintendent, or when so directed by him, through a county purchasing agent. The county board publishes a list of such "standard school supplies and equipment", which is described as that which can be advantageously purchased in quantity. There is no indication whether this might or might not include AV equipment. Under Sec. 16503 the board of such small elementary school districts are required to purchase their standard supplies and equipment through that procedure. Sec. 16504 authorizes, but does not require, the board of certain larger school districts to follow the same procurement procedure (Sec. 16501).

Under Sec. 16505, the governing board of any school district may purchase necessary supplies and equipment, other than standard, under the same procedure as that provided for in Sec. 16501 (that is, through the county superintendent, or when so directed by him, through a county purchasing agent). But otherwise the board has the choice of purchasing such supplies and equipment directly from the vendor. There appears to be some slight limitation on this authority, however, with reference to the board of elementary school districts (unless it is in a city large enough to have a city board of education), because it may may purchase of apparatus, equipment, and so on only if they have been"adopted" by the county board having jurisdiction over it.

Under Sec. 16508 the county superintendent, upon request, shall act as agent for the purchase of supplies for the city and high school districts of his county -- apparently either standard or non-standard -- and under Section 16509 he may arrange with a county

purchasing agent for the purchase of standard school supplies and equipment in accordance with regulations of the county board -- apparently without regard to the size of the school district making the purchase.

On the chance that certain library equipment and material might include some AV aids, such as educational films, reference is made to Sec. 7251, which requires the county superintendent to apportion annually to each school district, as a library fund, the sum requested by its governing board, except in the case of cities large enough to have a board of education; and to a similar provision in Sec. 7301 for apportionment by the county superintendent to each city or city-and-county not divided into school districts, upon request made in accordance with Sec. 7302. Sec. 10002 gives authority to governing boards of high school districts to purchase instructional material which has not been classified as textbooks without the necessity of following procedures for acquiring textbooks.

Sections 7351 directs the governing board of any school district to expend its library fund in the purchase of "school apparatus" as well as books for the school library. This might well include some AV material.

One of the services provided for in the program of the county school service fund is a library service conducted by the county superintendent for the benefit of certain school districts which have entered into an agreement with him for that purpose. Sec. 8802 describes the procedure for making such an agreement with an elementary school district for which he could probably obtain educational films as well as books. Sec. 8801 describes procedures to be followed by any school district in obtaining supplemental library service from the county superintendent.

Sec. 1091 gives general authority to the governing board of any school district, with approval of the county board, to enter into service agreements with the county superintendent. This might extend to agreements for the acquisition of AV aids. Sec. 1092 authorizes a school district, with approval of the county superintendent, to contract with another school district for the performance of school services. This would be relevant in case a school district desired to acquire the benefit of an ETV program for instance conducted by another district.

Sec. 15961 permits the governing board of a school district having power to contract in certain matters to delegate that power to its district superintendent or other officer designated with such limitation as to time, money, or subject matter as it may determine. No contract made by such a delegate, however, is enforceable against a school district until it has been formally approved or ratified by the governing board. Sec. 15962 goes even farther by permitting the governing board of certain large school districts to adopt a rule, delegating to an officer or employee "authority to purchase supplies, materials, apparatus and equipment" up to a maximum value of $10,000, with such limitations as to time, money and subject matter as the board may determine. All transactions entered into by the delegate

must be reviewed by the governing board every sixty days. Both of these provisions might be invoked in acquiring AV aids. The real power of decision, however, remains in the board, since it is authorized by Sec. 15963 to alter any such contracts.

Apparently there is no provision, and perhaps no need, for a revolving fund to be used by such delegates in the purchase of supplies for a school district. However, in the procurement procedure established by Sec. 16501 and 16504 as previously described, in which the county superintendent or a county purchasing agent purchases supplies for a school district, a school supply revolving fund may be used. Sec. 16511 authorizes the superintendent of schools of each county to transfer from the funds of those schools which are going to use his purchasing procedure a sum not to exceed ten percent of its receipts from the State's general fund and to put it into the school supply revolving fund. Sec. 16512 authorizes him or the purchasing agent to purchase or requisition supplies for delivery to the school district. Upon proper evidence of the receipt of supplies by the district, he then draws a warrant against the school supply revolving fund to pay the vendor, Sec. 16513. These procedures may be used in the purchase of some AV equipment.

Topic 10 - Financing acquisition

(a) Specific

Under Sec. 811, the AV equipment and services provided by the county superintendent for the use of school districts are paid for out of State appropriations, evidently, earmarked for the "special equipment and apparatus fund", established by this section. Title to the equipment remains in the county superintendent who buys it, but school districts are required to pay him out of their general funds an amount not to exceed the cost of rendering the service. In contrast school districts which receive AV supplies and services from him under Secs. 8851-8856, or enter agreements with him with the county superintendent to receive or operate ETV broadcasts under Sec. 8857, must pay to the county superintendent at least one-half of the total cost of the use of the facilities provided. See discussion under Topic 2 above. Under Sec. 8856 the governing board of the school district is authorized to pay for the services out of any funds of the district. Evidently the additional costs are met by the county superintendent out of the county school service fund provided by the State and out of any funds received under the NDEA. Apparently the same system of financing is used for ETV broadcasts provided for under Sec. 8857.

Sec. 23624 authorizes the trustees of any State college to operate ETV transmitting facilities and provide necessary services in connection therewith. The section adds these words "no State money other than that which is specifically appropriated for the purpose of this section shall be expended by the trustees for the implementation of this section." If a school district wished to contract to receive ETV broadcasts from such a State college it could probably pay for the service out of funds raised by local taxation. In view of the provisions quoted, however, it is not entirely certain whether or not the school district could pay for the services out of State funds appropriated to it or to other

officials for its use.

Sec. 1529 of the California Administrative Code, Title 5 provides that the allowances, federal allocations and contributions for audio-visual services shall be kept as a restricted portion of the county school service fund of the county and shall be expended only for audio-visual purposes. Sec. 1528 of that Code provides the formula to be followed by the superintendent of public instruction in allocating funds for audio-visual services under Secs. 8851-8856 of the Education Code.

(b) General

In general, financing the acquisition of AV aids is accomplished partly through local taxation and partly through State aid, with the addition of such funds from the Federal government as the State receives under NDEA.

Local financing is discussed in Part II, pp. 29-31. The board of each school district makes a tentative budget of all its needs and gives it to its county superintendent, Sec. 20601, who recommends any necessary changes and returns it to the board, Sec. 20605, which therefore makes a publication budget and resubmits it, Sec. 20606. The county superintendent has it published and public hearings are hold, Sec. 20504, after which the local district makes a final budget, copy of which is sent to the county superintendent for approval and to the Superintendent of Public Instruction, Sec. 20651. The county superintendent determines the amount that must be raised by local taxation, Sec. 20701, after making allowances for income to be received from other sources, Sec. 20702, which evidently means from the State directly or indirectly. At this point the County board of education examines his budget for local tax before he refers it to local taxing authorities, and his requirement for the remainder to be included in the county school service fund budget before he sends that to the Superintendent of Public Instruction, Sec. 651. It reviews and makes recommendations.

Thereafter the county superintendent refers the local budget to the county board of supervisors which fixes a tax rate, Sec. 20703, according to a formula, Sec. 20704, and proceeds to levy, Sec. 20705. There is a maximum tax rate, Sec. 20751, which may be increased for certain purposes, Sec. 20801, and popular election may be held to increase or decrease the maximum rate, Sec. 20803. Classifications, items, and amounts in the budget are more or less frozen, but necessary adjustments can be made in accordance with a procedure provided, Sec. 20951.

State aid is discussed under Topic 19 below.

When the Superintendent of Public Instruction gets the local budgets, he computes the needs for "district aid", Sec. 17702, according to information received from county auditors, Sec. 17701, and formulas, Secs. 17703-17705, and computes the foundation program, Sec. 17651.

State: California

PART IV - continued (19)

Topic 11 - Regulating use of AV aids and keeping statistics on use and using personnel

(a) Specific

Sec. 263 - The Superintendent of Public Instruction regulates the use of AV aids developed by him by prescribing standards.

Both the county superintendent, who makes agreements with local boards, as well as on their behalf with State agencies, for supply of AV aids and services, and the county boards, which must approve the agreements, can regulate indirectly through terms of the agreements and the nature of the service provided under Secs. 811 and 8851-8857.

The Television Co-ordinator, under Sec. 8877, and the State Department of Education, under Sec. 8878, can regulate the use of ETV broadcasts through action on applications for licenses which must be submitted to them.

The Department of Education can regulate the use of maps in the State Library, Sec. 27052.

(b) General

General regulatory and reporting requirements can be extended to AV aids and their use under:

Sec. 253. The Superintendent of Public Instruction superintends the schools and prepares reporting forms.

Sec. 254. He makes regulations concerning contracts with Federal agencies, and these must be followed, Sec. 255.

Sec. 152. The State Board issues various regulations and requirements.

Sec. 359. The Department of Education keeps records.

Sec. 801. The county superintendent superintends the schools and keeps various records. He reports to the Superintendent of Public Instruction, Secs. 803-806.

Sec. 651. The county board adopts rules and regulations and keeps records.

Secs. 8601-8603. Supervisors provided under the County School Service Fund to supervise could regulate indirectly.

Sec. 901. The governing board has "control" of a school district, and can regulate.

Sec. 984. The governing board of any school district can issue rules and regulations and must report annually to the county superintendent.

State: California

PART IV - continued (20)

Sec. 13566. Each city or district superintendent must report annually to the county superintendent.

Topic 12 - Distributing AV aids

(a) Specific

The county superintendent distributes AV aids and services provided for under Secs. 811 and 8851-8857.

(b) General

Sec. 7051 authorizes a district board to establish and maintain a library, for use of teachers and pupils in the district (Sec. 7052). The county board "adopts" the list of books and "apparatus" for certain smaller libraries. Educational films, for instance, might be distributed through such libraries.

Under Sec. 7201 such a school library may become affiliated with a county or city library, through which distribution might then be made.

The county superintendent may by agreement take over contracts between school districts and county libraries for supply of study materials, Sec. 8801. He may establish a county school library service, Sec. 8802, branch county libraries in certain elementary schools, Sec. 8804, and a county teachers' library, Sec. 8805, in all of which cases he would distribute any AV equipment provided through the library.

Topic 13 - Producing AV aids

(a) Specific

Sec. 263 - The Superintendent of Public Instruction may "develop audial and visual curriculum materials", which should extend to producing AV aids.

Sec. 991 - The governing board of a school district may maintain exhibits of educational programs and activities at a county fair.

Sec. 8857 - The governing board of a school district, or the county superintendent acting for it, may own, lease and operate television transmission facilities for ETV.

Applications on behalf of any school district for television transmission licenses shall be submitted to the Television Co-ordinator, Sec. 8877, and the Department of Education, Sec. 8878.

Sec. 9351 authorizes the State Board to lease maps and engravings for use in manufacturing textbooks.

State: California

PART IV - continued (21)

(b) General

Sec. 157 requires the State Board to cause the State Printer or other offices managing state printing to do any printing required by it. This might include some AV aids, or certainly lists.

Sec. 253 directs the Superintendent of Public Instruction to prepare, have printed, and furnish to teachers and officers such books as may be necessary to the discharge of their duties. This could include AV material and lists.

Sec. 9155 authorizes the county superintendent, with approval of the county board, to provide for the publication of "materials that are necessary in connection with the curricular and special services that the superintendent of schools is authorized to perform in the county". This could include AV material in connection with which he has duties.

Topic 14 - Certificating teachers

(a) Specific

Sec. 8852 requires that persons performing the AV services provided for in Sec. 8851 shall "hold a valid credential issued by the State Board of Education of one or more of the types specified in Section 8504."

(b) General

Article IX, Sec. 7 of the Constitution provides that "the county superintendents and the county boards of education shall have control of the examination of teachers and the granting of teachers' certificates with their respective jurisdictions."

Sec. 152 directs the State Board to adopt rules and regulations "(b) for the government of its appointees and employees....."

Sec. 253 directs the Superintendent of Public Instruction to "(b) prepare, have printed, and furnish.....blank teachers' certificates to be used by county and city and county boards of education."

Sec. 757 provides that no person shall hereafter be elected or appointed as county superintendent who does not possess a valid credential issued by the State Board of the type designated in Sections 756 to 766, inclusive, for each class. These sections describe qualifications in general terms and salaries for different grades.

Sec. 8504 provides that persons employed by the county superintendent under Sec. 8504 to perform services in the County School Service Fund program shall hold a valid credential issued by the State Board of one of the four types described in general terms.

State: California

PART IV - continued (22)

Sections 13101-13570 contain detailed provisions relating to "Certified Employees" and Sections 13101-13197.7 describe qualifications and licensing procedures.

Sections 13580-13756 relate to "Classified Employees" not requiring certification qualifications.

California Administrative Code, Title 5, Sections 200-846 contain the regulations issued by the State Board relating to certification.

Topic 15 - Prescribing qualifications of using personnel

(a) Specific

Sec. 8852 prescribes qualifications of persons employed to perform AV services. See Topic 14 above.

(b) General

Sec. 251 authorizes the Superintendent of Public Instruction to employ "expert assistants". In the exercise of discretion he could prescribe qualifications. This might cover AV experts.

Sec. 9152. The county superintendent screens and directs teachers to schools.

Sec. 1002. "The governing board of each school district shall fix and prescribe the duties to be performed by all persons in public school service in the school district." Presumably it prescribes qualifications for particular duties.

Under Sec. 1551 the superintendent of each school district shall:

"(c) Subject to the approval of the governing board, assign all employees of the district employed in positions requiring certification qualifications, to the positions in which they are to serve."

Presumably he considers qualifications.

Topic 16 - Accrediting schools

(a) Specific

The Superintendent of Public Instruction, in developing audial and visual curriculum materials and prescribing "standards, for the use of such materials in the public elementary and secondary schools", under Sec. 263, is indirectly affecting the accreditation of schools on this basis.

State: California

PART IV - continued (23)

(b) General

Sec. 7509 - The Curriculum Commission recommends to the State Board the adoption of minimum courses of study for the public schools.

Sec. 7510 - "Courses of study in the public schools shall conform to such minimum standards when adopted."

Sec. 152 - The State Board is directed to adopt rules and regulations for the government of the public schools.

Sec. 7604 prescribes certain courses in the elementary schools and Sec. 7605 specifies the minimum time to be spent on some of them.

Sec. 7700 prescribes some courses of study for high schools.

In Sec. 8501 the Legislature is declaring the policy underlying establishment of the County School Service Fund indicated a purpose to "provide co-ordination of the educational program among districts", thus implying a standard.

Topic 17 - Building or remodeling schools

(a) Specific

When the Superintendent of Public Instruction develops AV curriculum materials, evolves "means and methods" and prescribes "standards" for its use in the public schools under Sec. 263, he might perhaps require certain space arrangements in classrooms.

California Administrative Code, Title 5, Sec. 2053 is a directive from the State Board to school districts participating in the State School Building Aid Fund. It provides that State funds used in school construction shall not be available for payment of certain items including built-in projection screens, broadcasting systems, television, recorders, public address systems, certain stage equipment, and display cases exceeding certain measurements. Such items, if installed, must obviously be paid for by the school districts from other sources, such as proceeds of local taxes. See Part III above.

(b) General

Sec. 15351 - "The governing board of any school district may, and when directed by a vote of the district shall, build and maintain a schoolhouse."

Secs. 15301-15718 deal with the construction of school buildings. No provision is found relating to construction or remodeling to facilitate the use of AV. However, Sec. 15301 authorizes the Department of Education to make rules and regulations concerning supervision of school building activities and Sec. 15302 directs the Department to

State: California

PART IV - continued (24)

(a) advise with the governing board of each school district on the acquisition of new school sites.....

(b) establish standards for school buildings

(c) review all plans and specifications for building in every district required to submit plans and specifications therefor to it for approval.....

(d) approve plans and specifications submitted.....and return without approval and with recommendations for changes, any plans not conforming to established standards.....

(f) .....advise the governing board concerning the building needs.....

State aid to districts for construction of school houses is discussed on page 33 of Part II above.

California Administrative Code, Title 5, Sec. 2052 provides that plans for construction requiring State aid must be prepared in accordance with procedures of Secs. 2020-2022 of that code which refer to a guide for planning. Secs. 2000-2227 of that code deal with various aspects of school housing, including various specifications, but no requirement for AV use is stated.

Topic 18 - Federal aid

(a) Specific

Sec. 8851 directs that any funds received under NDEA shall be excluded from computation of costs of AV equipment for which school districts are required to pay a share.

Sec. 8857, relating to purchase of broadcast time or operation of a television station by or on behalf of a school district, states:

"The governing board of a school district and a county superintendent of schools may accept grants-in-aid from any public or private source in carrying out the purposes of this section."

California Administrative Code, Title 5, Sec. 1529 states:

"The allowances, federal allocations and contributions for audiovisual services shall be kept as a restricted portion of the county school service fund of the county and shall be expended only for audiovisual purposes."

(b) General

Secs. 551-559 deal with acceptance of NDEA by the State and with procedures. The State Board is designated as the agency to carry out the purposes of the act, Sec. 553. The State Treasurer is designated as the custodian of the Federal funds received, and he is authorized to receive such funds, Sec. 555.

State: California

PART IV - continued (25)

Sec. 254. The Superintendent of Public Instruction shall prescribe regulations under which contracts, agreements or arrangements may be made with agencies of the federal government for funds, services, commodities, or equipment to be made available to the public school system, except the California State Colleges."

Sec. 255 states that all such contracts shall be entered into in accordance with those regulations and in no other way.

Secs. 18601-18783, in a chapter entitled Federal Funds for Education, deal with the disposition of federal funds supplied for several purposes under different acts of Congress.

Topic 19 - State aid

(a) Specific

The State gives aid to school districts in various AV programs under Secs. 811, 8851-8856, referred to in Topic 2 above, by providing funds for part of the cost and charging the school districts through the county superintendent for the rest.

California Administrative Code, Title 5, Sec. 1528 directs the Superintendent of Public Instruction to allow for the program under Secs. 8851-8856 of the Education Code the amount requested by the county superintendent in his budget, or an amount equal to that contributed by the school districts as their share for the preceding year, whichever is less. The following section of the Administrative Code, Sec. 1529, directs that all allowances for AV services, both federal and other, shall be held separately in the county school service fund and be spent only for AV. Reference has been made above, Topic 10, to restrictions in Sec. 2053 of the Administrative Code against use of State aid building funds for certain AV installations in school buildings under construction with help of State financing.

(b) General

The general plan of State aid to schools is discussed on pp. 31-33 of Part II above. References below are corroborative or supplementary.

Article IX, Sec. 4 of the Constitution establishes the State School Fund for the support of common schools, as explained above. Sec. 6 of the same Article directs that the Legislature shall add to this fund other means -- that is appropriations -- for providing a minimum of $180 per pupil in ADA.

Sec. 8501 describes the policy of the Legislature in establishing the County School Service Fund contributed by the State for a variety of purposes, including AV programs, provided for in Secs. 8501-9157, discussed above.

Sec. 880 enumerates the sections of the Education Code providing for various duties and services the cost of which is to be paid for out of the County School Service Fund (811, 812, 857, 1131, 6815, 6932, 7103, 8004, 8055, 8158, 8806, 8854, 8855, 8904, 8951, 8953, 9003, 9153, 11755, 13512, 13528, 16858, 16860, 16902, 17206, 20102, 20105, 20106, 21052 and 21053).

Under Sec. 18351 the County superintendent submits his budget to the Superintendent of Public Instruction for his approval, requesting allowances for the County School Service Fund, and includes in the budget that part of his own salary to be paid by the State, Sec. 18354.

Under Sec. 259 the Superintendent of Public Instruction prepares an estimate of the amount of State school money to be apportioned to each county or city-and-county during the current year, sending copies to those superintendents. He gives the same information with other data in his report to the Governor, Sec. 261.

Division 14 of the Education Code, entitled State Financial Support and Management, deals with various details of support provided to the schools and management exercised by the State through this extensive economic contribution, Secs. 17151-20007. Included in these statutes are several separate chapters, each dealing with some aspect of State finances provided for school buildings and bonds to pay for them, Secs. 18901-20007.

In addition there is a Division of Libraries in the Department of Education, Sec. 27001, which is administered by it as part of a State-wide library system integrated into the educational program, Secs. 27000-28802, with units of which school libraries may be affiliated. State aid to libraries therefore benefit the schools also.

Bonds for school districts are issued and offered for sale by the board of supervisors of the county in which the school district is located upon receipt of a resolution by the governing board of the district stating amounts, duration and rate of interest, not to exceed 5%, Sec. 21800.

Topic 20 - Private aid

(a) Specific

The governing board of a school district and a county superintendent of schools may accept grants-in-aid from any private source to implement a program for receiving ETV or operating a TV station, Sec. 8857.

(b) General

Sec. 988 authorizes the governing board of any school district to accept on behalf of the district "such gifts, donations, bequests, and devises as are made to the district or to or for the benefit of any school or college administered by the district."

Sec. 989 gives similar authority to the governing board of any district operating a junior college to accept gifts for the benefit of the junior college. The necessity of this is not apparent unless it appeared to the Legislature that reference in the preceding section, 988, to "any school or college" might not include "junior college" referred to in Sec. 989. In any case a significant addition was made in Sec. 989: "In no event shall the approval of any state agency be a prerequisite to acceptance of such a gift, donation, bequest, or devise." There is no related section to suggest why this provision should have been included in Sec. 989 and not in Sec. 988, nor is there any provision concerning powers of higher educational officials giving them general or specific authority to pass upon the propriety of the acceptance of a gift by any school district.

Topic 21 - Library programs

(a) Specific

Sec. 27052 directs the Department of Education to "purchase..... maps, engravings, paintings.....for" the State Library (emphasis supplied).

Sec. 15958 authorizes the governing board of any school district to "purchase supplementary textbooks, library books, and educational films, test materials, and workbooks, in any amount needed for the operation of the schools of the district without taking estimates or advertising for bids." Presumably this would extend to educational films in a library connected with the school system.

(b) General

Division 20 of the Education Code, Secs. 27000-28802, deals with Libraries. The Legislature stated in Sec. 27000 "that the public library is a supplement to the formal system of free public education.....", and established in the Department of Education the Division of Libraries, Sec. 27001, under direction of the "State Librarian", Sec. 27002. This official is directed to administer "the State Library" in accordance with law and the regulations issued by the State Board of Education which determines all policies concerning it, Sec. 27004.

Under Sec. 27051 the Department of Education is authorized to make rules and regulations for the government of the State Library and to do a number of other acts to cooperate with other public libraries throughout the State and to help improve their services.

County free libraries, Sec. 27151, and municipal libraries, Sec. 27301, may be established.

State: California

PART IV - continued (28)

"Libraries may be established and maintained under the control of the governing board of any school district", Sec. 7051. Such school libraries may, by agreement between a governing board and the proper library authorities, become a branch of a county public library, Sec. 7201, or of a city public library, Sec. 7205, and the library funds transferred from the school library shall be used for the acquisition, care, and distribution of books and "other materials.....adopted" for courses of study in the school district, Sec. 7203. This is a medium for the acquisition and distribution of educational films and other AV supplies.

Under Sec. 8801 the county superintendent is authorized, with approval of his county board, to take over contracts between school districts and county or city public libraries, made pursuant to the provisions referred to above, and thereafter perform the library services for the school district. Also upon establishment of a "County School Library Service", under the County School Service Fund program, the county superintendent is invested with all the powers of a county librarian for this purpose, Sec. 8802, and so thus becomes a part of the general State library system.

Topic 22 - Research programs

(a) Specific

Research is implied by provisions giving authority to the Superintendent of Public Instruction to conduct experimental work in education through radio and vision, Sec. 262, to develop audial and visual curriculum materials, and to evolve means and methods for the use of them in the schools, Sec. 263.

Some research is implied by provisions of Sec. 8875 directing the Television Co-ordinator to prepare a plan for television to serve the educational needs of the State.

(b) General

Sec. 918 authorizes the governing board of any school district to conduct studies through research and investigation concerning the management, conditions, needs and financial support of schools.

Sec. 9154 authorizes the county superintendent, with approval of the county board, to employ personnel for research projects connected with curricular and special services of the county superintendent which have been approved by the board.

Both of these sections could be used for AV research.

Topic 23 - Institutes

(a) Specific - none

State: California

PART IV - continued (29)

(b) General

Sec. 9051 authorizes the county superintendent, with approval of the county board, to hold an annual teachers' institute. Secs. 13361-13380 describe procedures and conditions under which such institutes may be held and accounting.

Sec. 9052 authorizes the county superintendent, with approval of the county board, to hold an annual institute for non-certified employes. Secs. 13621 and 13622 repeat this authority and describe conditions under which such institutes may be held.

Meetings of school personnel held under such authority would provide opportunity to discuss use of AV in educational programs.

Topic 24 - Other established procedures

(a) Specific

The governing board of any school district may maintain exhibits of educational programs at county fairs, Sec. 991.

The governing board of any school district, or the county superintendent, owner or licensee of a TV station, may sell broadcast time to other school districts on a reimbursement basis, Sec. 8857.

(b) General

Under Sec. 9101, the county superintendent, with approval of the county board, may hold one meeting each year of the trustees of school districts under his jurisdiction.

Under Sec. 1131 the governing board of any district, or the county superintendent with approval of the county board, may subscribe for membership in educational societies which have been approved by the State Board.

Such procedures provide an opportunity to discuss the promotion of AV media.

COLORADO (1959-60)

Enrollment in full-time public schools:

Elementary	308,870
High School	84,820
Number of school districts (including non-operating)	522
Number of elementary schools	885
Number of high schools (including junior high)	429
Expenditure per pupil in average daily attendance	394

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

COLORADO

County and Independent School Superintendencies

There are 286 school superintendencies in the State: 56 county-intermediate superintendencies, 6 partial county-unit superintendencies, one complete county-unit superintendency, and 223 independent city or town superintendencies.

The superintendents in 22 of the 56 county-intermediate superintendencies perform all administrative functions for areas comprised of two or more local districts, each district operating its schools independently.

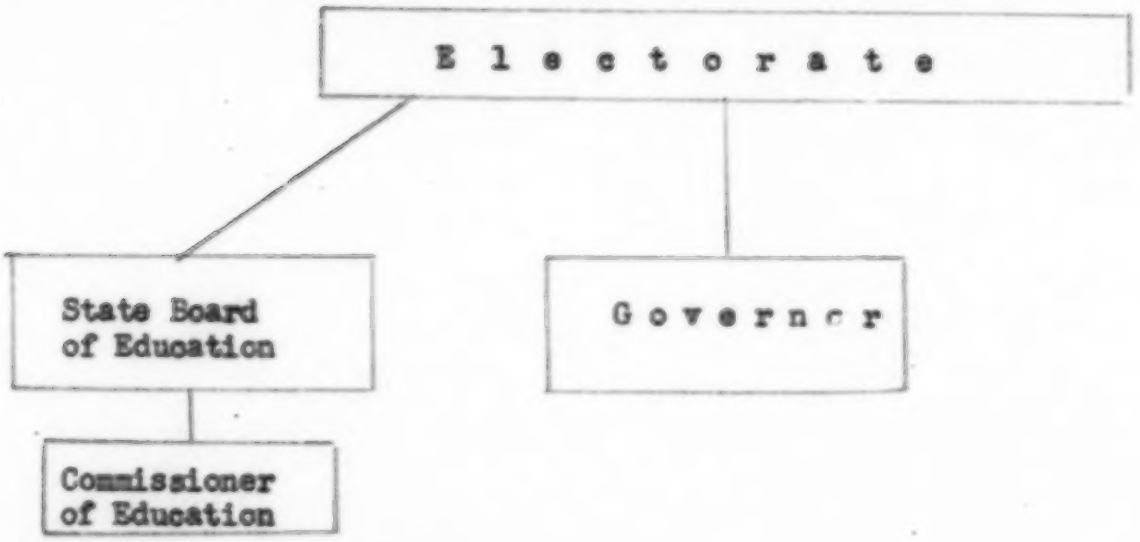
In the remaining 34 counties, the county superintendent performs mainly a service function.

Source: U. S. Department of Health, Education, and Welfare, Educational Directory, 1960-61, Part 2, OE-20005-61, p. 31.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 54-56.

C O L O R A D O

1. State Educational Structure Chart (relating only to elementary & secondary public schools)



2. State Education Boards

a. Schools....

State Board of Education.---Consists of 5 members, 1 elected from each congressional district on a partisan ballot by the qualified voters therein, and 1 elected on a partisan ballot by the qualified voters of the State. Of the first members who were elected from congressional districts in 1951, 2 were to serve for 2-year terms and 2 for 4-year terms, such terms to be determined by lot. The first member from the State at large was elected for a 6-year term. All successors of the first members are to be elected for 6-year terms.

b. Supplementary programs

State Board of Examiners (teachers).---(administrative) Consists of 9 members, the commissioner of education ex officio and 8 others appointed by the State board of education for overlapping 4-year terms, 2 being appointed each year. The appointed members of the board must be citizens of Colorado actively engaged in educational work. They may not, however, be members of the faculties of the Colorado Agricultural and Mechanical College, the University of Colorado, or of the State colleges of education. One person is recommended for appointment to the board by each of the following officials: The president of the Colorado Agricultural and Mechanical College, the president of the University of Colorado, the president of Western State College, and the President of the State normal school (presiding officer of the trustees of the State normal school).

3. Chief State School Officer

The State board of education appoints the commissioner of education who serves at the pleasure of the board. The commissioner is to have such professional qualifications as shall be deemed appropriate for the position by the board. He is designated by law as the administrative and executive head of the department of education.

7. Coordination of the State Education System Through Structure

The State board of education is primarily responsible for the coordination of the State program of public elementary and secondary education but does not have under its control vocational education or the State school for the deaf and blind.

8. Coordination of the State Education System Through Ex Officio Memberships

The commissioner of education is an ex officio member of....the State board of examiners (teachers).

9. Fiscal Coordination

Seven educational agencies submit budgets to the controller who is the head of the division of accounts and controls. These agencies are: .... State board of education....

The controller, an appointee of the governor, reviews the estimates submitted by the educational agencies, altering, revising, increasing, and decreasing the items of such estimates as he believes necessary. The controller delivers the State budget to the governor for transmission to the general assembly prior to the regular legislative session.

State: Colorado

Source of information unless otherwise stated: School Laws of the State of Colorado 1956, Denver: Colorado State Department of Education, also school laws enacted 1957, 1958, 1959, 1961

PART I

Educational Organization

State level:

Department of Education: called State department of education

how organized:

established by: Sec. 123-1-3

is it a body corporate:

State Board of Education: called State Board of Education

established by: Sec. 123-1-4, also Sec. 1, Art. IX of State Constitution

is it a body corporate:

composition: 1 member from each congressional district, Sec. 123-1-4

how selected: elected by qualified electors, Sec. 123-1-4

is confirmation necessary: n o

subject to what control:

to whom reporting: Governor, Sec. 123-1-5

term of office: 6 years, Sec. 123-1-4

Chief state school officer: called Commissioner of Education, Sec. 123-1-5 also Sec. 1, Art. IX of State Constitution

office established by: Sec. 123-1-5

how selected: Appointed by State Board of Education, Sec. 123-1-5 and 123-1-6

is confirmation necessary:

subject to what control: State Board of Education, Sec. 123-1-7

to whom reporting: State Board of Education, Sec. 123-1-7

term of office: at pleasure of State Board, Sec. 123-1-6

staff and who appoints: Commissioner appoints staff, Sec. 123-1-7

Other organization or official: called

State: Colorado

PART I

Educational Organization (continued)

Intermediate level:

Organizational unit: called County

how organized:

composition:

is it a body corporate: Not in educational Hierarchy

Board of education, if any: called None

established by:

is it a body corporate:

composition:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

Administrative officer of unit: called ~~Examyt~~ County Superintendent

office established by: Sec. 35-10-1

how selected: General Election Sec.35-10-1

is confirmation necessary: no

subject to what control: Electorate

to whom reporting: Commissioner of Education Sec. 123-2-1

term of office: 4 years Sec. 35-10-1

staff and who appoints:

State: Colorado

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called First Class School District

how organized:

composition: School population of more than one thousand Sec. 123-10-3

is it a body corporate: yes Sec. 123-10-1

Board of education: called Board of Directors Sec. 123-10-3
Also called Board of Education Sec. 123-10-6

established by: Sec . 123-10-3

is it a body corporate: NO

composition: nine members 123-10-3
Twelve members if over 20,000 Sec. 123-10-3

how selected: General election Sec. 123-10-3

is confirmation necessary: no

subject to what control: Electorate

to whom reporting: County Superintendent Sec. 123-10-21
Commissioner of Education ibid

term of office: 6years Sec 123-10-3
(two members elected every two years)

Administrative officer of unit: called

office established by: No provision for a local administrative officer.

how selected: County Superintendent is the administrative officer for the

is confirmation necessary: school districts in his county.

subject to what control: (See 123-2-2)

to whom reporting:

term of office:

staff and who appoints:

State: Colorado

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Second Class School District

how organized:

composition: School population of less than 1000 and over 350. Sec. 123-10-3

is it a body corporate: yes Sec. 123-10-1

Board of education: called Same as First Class District

established by: Sec. 123-10-3

is it a body corporate: NO

composition: three directors Sec. 123-10-3
(also a provision to change the membership to five)

how selected: General Election Sec 123-10-3

is confirmation necessary: no

subject to what control: Electorate

to whom reporting: Same as First Class District 123-10-21

term of office: Three years Sec. 123-10-3
(one member elected each year)

Administrative officer of unit: called

office established by: Same as First Class District

how selected: (No provision)

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: Colorado

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Third Class School District

how organized:

composition: School population of 350 or under
Sec. 123-10-3

is it a body corporate: yes Sec 123-10-3

Board of education: called Same as First Class District

established by: 123-10-3

is it a body corporate: No

composition: Same as Second Class District
Sec. 123-10-3

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

Administrative officer of unit: called

office established by: Same as First Class District

how selected: (no provision)

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: Colorado

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called County High School District

how organized:

composition: All school districts in counties of the 1st, 2nd, 3rd, 4th, and 5th classes may join in forming one school district (special election) Sec 123-14-2

is it a body corporate: yes Sec. 123-14-9

Board of education: called High School Committee

established by: Sec. 123-14-6

is it a body corporate: NO

composition: 4 directors plus County Superintendent Sec. 123 -14-6

how selected: By directors of the various school districts within the county Sec 123-14-6

is confirmation necessary: no

subject to what control: Electorate

to whom reporting: Same as First Class District Sec. 123-14-11

term of office: Simultaneous with their term as director of local school district Sec. 123-14-7

Administrative officer of unit: called

office established by: Same as First Class District

how selected: (no provision)

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: Colorado

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Union High School

how organized:

composition: two or more contigious school districts Sec. 123-15-1

is it a body corporate:

Board of education: called High School Committee

established by: 123-15-1

is it a body corporate:

composition: 3 members plus County Superintendent Sec. 123-15-1

how selected: By director sof the various school districts composing the Union Sec. 123-15-1

is confirmation necessary: no

subject to what control: Electorate

to whom reporting: Same as First Class School District Sec. 123-15-5

term of office: Simultaneous with their term as director of local district Sec. 123 -15-3

Administrative officer of unit: called

office established by: Same as First Class School District

how selected: (no provision)

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: Colorado

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Union High School-Incorporated Towns

how organized:
composition: In counties of the 4th and 5th classes, all school districts lying adjacent to incorporated towns or cities may be organized into a union
is it a body corporate: high school district. Sec. 123-16-1

Board of education: called Union High School Board

established by: Sec. 123-16-3

is it a body corporate:
composition: one member from each of the adjoining districts composing such district, together with members of board in the district where building is
how selected: located. Sec. 123-16-10
Elected 123-16-10
is confirmation necessary: no

subject to what control: Electorate

to whom reporting: Same as First Class School District Sec. 123-10-21

term of office: 1 year Sec. 123-16-10

Administrative officer of unit: called

office established by: Same as First Class School District

how selected: (no provision)

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: Colorado

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Joint District

how organized:

composition: formed from contiguous territory belonging to two or morecontiguous counties Sec. 123-7-5

is it a body corporate:

Board of education: called Board of Directors or Board of Education Sec. 123-7-2

established by: Sec. 123-7-5

is it a body corporate:

composition: Same as 1st, 2nd and 3rd class ~~dist~~ district depending on the school population

how selected: Sec. 123-7-2; Sec. 123-10-3
Election 123-7-2; 123-7-5

is confirmation necessary: no

subject to what control: Electorate

to whom reporting: Same as First Class District Sec. 123-10-21

term of office: 2 years in a 1st class district
1 year in second and third class districts

Administrative officer of unit: called Sec.123-7-2; Sec. 123-10-6

office established by: Same as First Class District

how selected: (no provision)

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: Colorado

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Consolidated District

how organized:

composition: Formation of a new school district or parts of school districts lying within the boundries of one county or of contiguos counties.

is it a body corporate: Sec. 123-9-1

Board of education: called Board of Directors

established by: Sec. 123-9-3

is it a body corporate;

composition: 3 members Sec. 123-9-3

how selected: Election Sec. 123-9-3

is confirmation necessary: no

subject to what control: Electorate

to whom reporting: Same as First Class District Sec. 123-10-21

term of office: 3 years Sec. 123-9-3 (one member elected annually)

Administrative officer of unit: called

office established by: Same as First Class District

how selected: (no provision)

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: Colorado

PART I

Educational Organization (continued)

Schools

Principals (Included within the definition of teachers Sec 3(5) "The Teacher Certification Act of 1961"
appointed by: (Ch. 213, S.L. 1961)

qualifications:

term of office:

Teachers

appointed by: Local Board Sec. 123-10-21

qualifications: Set out by Sec2 and Sec. 6, "The Teacher Certification Act of 1961" (Ch.213,S.L.1961)
certification: By State Board of Education Sec. 5 Ibid

tenure: Teacher Tenure Act Sec. 123-18
3 years in 1st Class district, county and Union High School
special assignments: districts--- The Local Board in other districts may adopt this---- Sec. 123-18-3

State: Colorado

Source of information unless otherwise stated: School Laws of the State of Colorado 1956, Colorado State Department of Education; School Laws enacted 1957, 1958, 1959, 1961

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

State Level - Board of Education

Sec. 123-1-5 Powers and duties of board:

(2) the board has the power to make, adopt and promulgate the educational policies of the State department of education

(3) the board has the power to make and adopt such rules and regulations as are necessary for the general supervision of the public schools; for the equitable distribution of such funds as are available to the state department of education for distribution; for the advisory aid of the planning and construction of public schools; for the proper certification of all regular school personnel.....

(5) the board has the duty to appraise the work of commissioner of education, the State department of education and the public school system; to submit recommendations for improvements to the governor and the general assembly....

(9) the board has the duty to distribute State and federal apportioned school funds to counties and school districts which comply with the education laws, rules and regulations of the board.

State Level - Commissioner of Education

(a) Sec. 123-1-7 Subject to the authorization and approval of the State board of education, the powers and duties of the commissioner shall include:.....

(3) to provide for a continuous research program for the betterment of the public school system...

(5) to direct the preparation of standard courses of study and to recommend their use in the public schools

State: Colorado

Part II - continued (2)

(6) to evaluate qualifications and issue certificates to personnel of the State public schools

(7) to make available and render to the boards of education of all school districts in the State technical and expert assistance and advice in connection with the planning, development and extension of school grounds and the acquisition, construction and use of school buildings.

(b) Sec. 123-1-10 The commissioner of education shall decide all points touching the construction of the school laws, which may be submitted to him in writing by any school officer, teacher or other person in the State, and his decisions shall be held to be correct and final until set aside by a court of competent jurisdiction, or by subsequent legislation.

(c) Sec. 123-1-11 It shall be the duty of the commissioner to visit annually such counties in the State as most need his personal attendance, and all counties, if practicable, for the purpose of inspecting the schools, awakening and guiding public sentiment in relation to the practical interests of education, and diffusing as widely as possible, by public address and personal communication with school teachers and parents, a knowledge of existing defects and of desirable improvements in the government and instruction of the schools.

State Level - Board of Teacher Certification

Created by Secs. 11 and 12 of "The Teacher Certification Act of 1961, ch. 213, S.L.'61.

Sec. 11 This board consists of the commissioner of education (chairman), and ten members appointed by the State board of education. Two of these ten members will be faculty members of State universities or colleges which provide teacher preparation programs; one member will be a superintendent of schools of a public school district; the other 7 members will be two lay and five certified classroom teachers.

Sec. 12 It shall be the duty of the State board of teacher certification (1) to investigate and determine which institutions of higher learning have adequate teacher preparation programs; what qualifications, preparations, training, or experience shall be required for the issuance of a school administrator certificate; and what endorsements may be appropriate for each type of certificate or letter of authorization and the requirements for each such endorsement.

(3) To conduct or arrange research pertinent or essential to teacher employment, teacher certification, and teacher preparation programs.

(4) To advise and cooperate with the State board of education, institutions of higher learning in the State of Colorado, and professional organizations within and without the State, concerning matters relating to the preparation, recruitment and selection of teachers.

State: Colorado

Part II - continued (3)

County Level - Superintendent of Schools

Sec. 123-2-2 It shall be the duty of the county superintendent to exercise a careful supervision over the schools of his county; to visit each school at least once during each quarter it is in session; to see that all provisions of this chapter are observed and followed by teachers and school officers; to examine the accounts of the district officers to see if such accounts are properly kept and all district funds properly accounted for...to obey the legal instructions and decisions of the commissioner of education.

County Level - County Committee

Sec. 123-8-4 Composed of seven to eleven members; may go to fifteen members if county has forty or more school districts, one member from each 1st class district and one member from each two second class districts. Term of office is two years, elected by the various boards of education in the county. The purpose of the committee is to devise any necessary plans for reorganizing the county school districts.

Duties (Sec. 123-8-5) (1) The making of a careful study of the public school system in the county.

(2) To cooperate with the State board and the commissioner in arriving at a plan of reorganization of school districts within said county.

(6) To assist in the dissemination to the electors of the proposed district as to the purpose and benefits of any such proposed plan.

County Level - School Planning Committee

Sec. 123-25-4(8) Places essentially the same duties on the School Planning Committee. The purpose of the school planning committee is to look into and recommend plans for the organization of county school districts.

This committee consists of nine to eleven members - there may be fifteen members if county has over 40 school districts. Members are elected for two years, by various boards of education in the county - all districts are to be represented.

Local Level - District School Board

Sec. 123-10-21 Every school board shall have the power and it shall be their duty:

(1) to employ or discharge teachers...

(2) to enforce the rules and general regulations of the State commissioner of education; to fix the course of study, the exercises and the kind of textbooks to be used...

State: Colorado

Part II - continued (4)

(3) to provide for school furniture, equipment, library books and for everything needed in the school buildings, or for the use of the school board.

(4) to procure such adequate insurance as may be determined from time to time; and to rent and repair school property, both real and personal.

(5) to build or remove schoolhouses, and to purchase or sell school lots when directed by a vote of the district so to do.

(6) to hold in trust for their district all real or personal property for the benefit of the school thereof...

(8) to determine the number of teachers that shall be employed....

(10) to require all pupils to be furnished with the proper and suitable books as a condition of membership in school...

(11) to exclude from school and school libraries, all books, tracts, papers and other publications of an immoral or pernicious tendency.....

(12) to require teachers to conform to the law.

(18) two or more boards of education may jointly contract with each other or with boards of regents, boards of trustees, and junior college committees for the performance of any service, activity, or undertaking which each of the school districts entering into such contract is authorized by law to perform....any such contract may include among other things, the joint purchase or renting of necessary facilities, equipment, and supplies.....(This was an amendment added in 1961, Ch. 209, S.L.1961, and incorporated in basic law.)

Sec. 123-14-11 Grants the same powers to a high school committee as are granted to the local district school boards in above section.

Sec. 123-10-24 Additional powers - first class districts.

They may at their discretion establish and maintain..... museums.

Sec. 123-10-25 School boards of first or second class districts may establish a separate high school whenever they shall deem it expedient or necessary.

State: Colorado

Part II - continued (5)

Sec. 123-10-52 The board of directors in any school district of the third class may call a special meeting of the electors of the district for the purpose of determining the question of establishing and maintaining a high school....and must do so if petitioned by 30 legal voters.....

Sec. 123-10-55 Additional powers - first and second class districts

All school boards in districts of the 1st and 2d classes..... shall have power to contract with each other in behalf of their respective districts upon such terms as they may mutually approve for the sale, purchase or other disposition or acquisition of any real or personal property which in the opinion of the school board desiring to dispose thereof is no longer needed for any purpose of the disposing district, or the retention of which such school board may deem inadvisable, or the transfer of which would in the opinion of the contracting school boards be to the best interests of education.

State: Colorado

Source of information unless otherwise stated: School Laws of the State of Colorado, 1956, Colorado State Department of Education; School Laws, 1957, 1958, 1959, 1961, Colorado State Department of Education.

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

There is no statutory authority relating specifically to the above categories, or any specific nomenclatures used by the State.

State: Colorado

Source of information unless otherwise stated: School Laws of the State of Colorado, Colorado State Department of Education 1956; School Laws Enacted 1957, 1958, 1959, 1961, Colorado State Department of Euducation.

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject.
Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

NO 2. Planning the use of AV aids

See Part II

YES 3. Preparing curricula
Sec. 123-17(5); 123-10-21(2)

NO 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

See Part II

NO 5. Organizing AV units and cooperative activities

See Part II

NO 6. Conferring on AV use outside of State educational structure

State: Colorado

PART IV (continued)

Yes or No

NO 7. Selecting AV aids (and observing academic freedom)

See Part II

YES 8. Selecting textbooks (and observing academic freedom)

Sec. 123-10-21(2), (9), (10), (11)

YES 9. Acquiring AV aids and school supplies, equipment, and textbooks

Sec. 123-10-21(3)

NO 10. Financing acquisition by rent or purchase

See Part II

NO 11. Regulating use of AV aids and keeping statistics on use and using personnel

See Part II

NO 12. Distributing AV aids

See Part II

NO 13. Producing AV aids

See Part II

YES 14. Certificating teachers and AV professionals

Teacher Certification Act of 1961, Ch. 213 S.L. 1961, Sec. 5,6,7, 10, 11

YES 15. Prescribing qualifications of using personnel

Teacher Certification Act of 1961, Ch. 213 S.L. 1961 Sec. 2,6,7; Sec123-1-5(3); Sec 123-1-7(6)

State: Colorado

PART IV (continued)

Yes or No

YES 16. Accrediting schools
Sec, 123-1-5

YES 17. Building or remodeling schools to facilitate AV use
Sec. 123-1-5(3); 123-1-7(7); 123-10-21
123-10-24

YES 18. Federal aid to schools
Sec. 123-1-5(9); 123-1-7(12); 123-5-2; 123-5-3

YES 19. State aid to schools
Secs. 123-3-1; 123-3-3; 123-3-4; 123-3-18; 123-6-24;
123-11-1; 123-11-11; 123-12-1; 123-13-1;
123-14-16; 123-14-19; 123-26-5; 123-26-6;
123-26-11; 123-26-12; 123-26-13; 123-26-14(1),(6);
123-26-19.

YES 20. Private aid to schools
Sec. 123-3-4

YES 21. Library programs
Sec. 84-1-1; 84-1-3; 84-1-4; 84-1-6;
84-1-7; 123-10-24

YES 22. Research programs
Sec. 123-1-7(3)

NO 23. Institutes

NO 24. Other established procedures

State: Colorado

Part IV - continued (4)

Topic 3 - Preparing curricula

The commissioner of education has the power to direct the preparation of standard courses of study and to recommend their use in the public schools, Sec. 123-1-7. Sec. 123-10-21(2) grants the local board of education or board of directors of the various school districts the power to fix the course of study.

Topic 8 - Selecting textbooks

Sec. 123-10-21(2) gives to the board of directors of the various districts the power to select and distribute the textbooks to be used.

Under Sec. 123-10-21(9) local school boards will provide books for indigent children and will also provide books free when authorized to do so by a majority vote of the district as expressed at any regular or special meeting.

Sec. 123-10-21(10) - The local board requires all pupils to be furnished with proper and suitable books as a condition of membership in school.

Sec. 123-10-21(11) - Local boards have power to exclude books, tracts, papers and other publications of an immoral character.

Topic 9 - School supplies, equipment and textbooks

Sec. 123-10-21(3) gives the local school board the power to acquire school furniture, and for everything needed in the school house, or for the use of the school board.

Topic 14 - Certificating Teachers

The Teacher Certification Act of 1961, Ch. 213, S.L. 1961, Sec. 5 provides that the State department of education is the sole agency authorized to issue teachers' certificates.

Sec. 6 provides for five different kinds of certificates (A, B, C, D, and E). A is a regular teaching certificate; B is a professional teacher certificate; C for vocational teachers; D for a school administrator; and E is a special services certificate.

Sec. 7 provides that the State board of education is authorized to issue letters of authorization to persons of good moral character. These letters of authorization are of four types. Type I - recognized expert; type II,special teacher; type III,interne teacher; and type IV, emergency teacher.

Sec. 10. These certificates and letters of authorization are endorsed by the State board of education. This endorsement may specify the grade level, subject matter area, or other specialization which may be appropriate to an applicant's preparation, training and experience.

State: Colorado

Part IV - continued (5)

Sec. 11 creates the State board of teacher certification. Its powers and duties are set forth in Part II.

Topic 15 - Qualifications of Using Personnel

The Teacher Certification Act of 1961, Ch. 213, S.L. 1961, prescribes the qualifications needed for the various certificates and letters of authorization referred to in No. 14 above.

Sec. 2 proscribes the basic policy of raising the teacher qualifications. Generally the qualifications are good moral character, an approved program of preparation, have at least a bachelor's degree, a background in liberal arts, an up-to-date knowledge of their subject and student teaching.

Secs. 6 and 7 explain in detail the requirements for certificate holders of Type A-E and letters of authorization holders of Type I-IV respectively.

The State board of education and specifically the commissioner have the power to evaluate qualifications of the various applicants, Secs. 123-1-5(3) and 123-1-7(6).

Topic 16 - Accrediting schools

Sec. 123-1-5 The State board of education may adopt rules and regulations that are necessary for the supervision of public schools, and will distribute funds, both State and Federal, to those schools that comply with these rules.

Topic 17 - Building and remodeling schools

The State board makes the rules and regulations for advisory aid of the planning and construction of public school buildings, Sec. 123-1-5(3).

It is the duty of the commissioner of education to make available and render to the boards of education of all school districts in the State technical and expert assistance and advice in connection with the planning, development and extension of school grounds, and the acquisition, construction and use of school buildings, Sec. 123-1-7.

Sec. 123-10-21 gives the local school board the power to rent, reapir and insure school houses (subsection 4); the power to build or remove school houses, and to purchase or sell school lots, when directed by a vote of the district to do so (subsection 5).

Sec. 123-10-24 allows school boards of the first class to establish schools for extended education or special education.

State: Colorado

Part IV - continued (6)

Topic 18 - Federal aid

Sec. 123-5-2 The State board of education is designated as the sole State agency for carrying out the acceptance of Federal grants. The State treasurer receives the funds and disburses them on order from the State board, Secs. 123-5-3 and 123-1-5.

The commissioner of education is the person who administers the use of federal grants, Sec. 123-1-7(12).

Topic 19 - State aid

The basis of the State aid program is the Public School Foundation Act, Sec. 123-26. This act sets up the system by which the educational system is financed. Sec. 123-26-5 creates a State public school fund. Such fund is the net balance of the public school income fund after allocations made under various statutes, plus allocations made to fund by statute and other sources. It is a continuing fund.

Sec. 123-26-6 creates a county public school fund. This fund consists of proceeds of the county levies and other monies provided for in Sec. 123-26.

County levies are made by the county commissioner annually on all taxable property in the county and a general county school fee on each separate tract of land owned by the Game and Fish Commission, Sec. 123-26-6.

Sec. 123-3-1 Before the day designated by law for the board of county commissioners of each county to levy the requisite taxes for the ten ensuing year, the school board in each school district shall certify to the board of county commissioners a statement showing the aggregate amount which in the judgment of said school board, is necessary to be raised from a levy on the taxable property in said district, and from the payment of school fees by the Game and Fish Commission.

Sec. 123-26-12 provides for a minimum equalization program. This provision undertakes to provide the deficiency in funds of any school district. The procedure is as follows:

Sec. 123-26-11, 12, page 110, 1961 Supplement -- The distribution of county funds is determined by the State board. That is the State board determines the eligible districts and their proportionate share. They will certify this to the county treasurer and county superintendent.

Sec. 123-26-13 The State board will also determine what portion of the State fund each county and school district is entitled to after receiving a report from the secretary of the board of education of each school district, Sec. 124-26-14(1) and from the Colorado tax commission, Sec. 124-26-14(6).

Sec. 123-3-3 Provides that all fines, penalties and forfeitures provided by law may be recovered by action of debt, in the name of the people of the State of Colorado, for the use of the proper school district, or county. When debts accrue, they will be paid to the respective county treasurer, Sec. 123-3-4.

State: Colorado

Part IV - continued (7)

Sec. 123-6-24 All rentals received by the State from stone, coal, oil, gas, gold, silver or other mineral leases of public school lands, and all moneys received from the sale of timber on said lands, shall be placed to the credit of the public school income fund.

Sec. 123-14-16 Provides that the county commissioners of any county wherein is located a county or union high school district shall levy an annual tax on all taxable property for the purpose of raising revenue for said school district.

Sec. 123-26-19 Allows the school districts to make additional levies in excess of those provided by law.

Sec. 123-11-1 Empowers any school district to submit the question of contracting a bonded indebtedness to the electors. If the majority of electors approve, the local board may issue bonds, Sec. 123-11-11, Sec. 123-14-19.

Any school district, county high school district or union high school district may issue negotiable coupon bonds (refunding bonds) for the purpose of refunding any of the bonded indebtedness of such district, Sec. 123-12-1; Sec. 123-13-1.

Sec. 123-3-18 Provides that school districts may contract or negotiate for short term loans with the written approval of the County Superintendent. Said loans will last for six months and will be liquidated from moneys received by the district for current operating expenses.

Topic 20 - Private aid

Sec. 123-3-4 Empowers a local school board to receive gifts, donations or tuitions received by it in order to maintain a capital reserve fund for long range planning of future programs, building and improvements.

Topic 21 - Library programs

Sec. 84-1-1 Establishes a free public library and bookmobile system throughout the State. Sec. 84-1-3 creates the State library and makes it a division of the State department of education. Sec. 84-1-4 gives to the State commissioner the authority to direct the administration of the State library. The commissioner acting as State librarian may make rules and regulations for the control and use of State library; rules as to use of books and materials; for lending books and materials to publicly supported libraries and institutions, Sec. 84-1-6.

The State librarian is the State agency that receives State and federal funds appropriated to further library development and regulates distribution of funds, Sec. 84-1-7.

State: Colorado

Part IV - continued (8)

Sec. 84-1-7 Also gives State librarian the power to assist the school and public libraries in selecting books or other activities necessary to the libraries.

Sec. 123-10-24 Gives first class school districts power to create a museum.

Topic 22 - Research programs

Sec. 123-1-7(3) Gives to the State commissioner of education the power to establish and maintain adequate statistical and financial records and to provide for a continuous research program for the betterment of the public school system.

CONNECTICUT (1959-60)

Enrollment in full-time public schools:

Elementary	365,947
High school	110,881
Number of school districts (including non-operating)	175
Number of elementary schools	781
Number of high schools (including junior high)	214
Expenditure per pupil in average daily attendance	$436

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

CONNECTICUT

Supervisory Union, Regional High School, and Independent Superintendencies

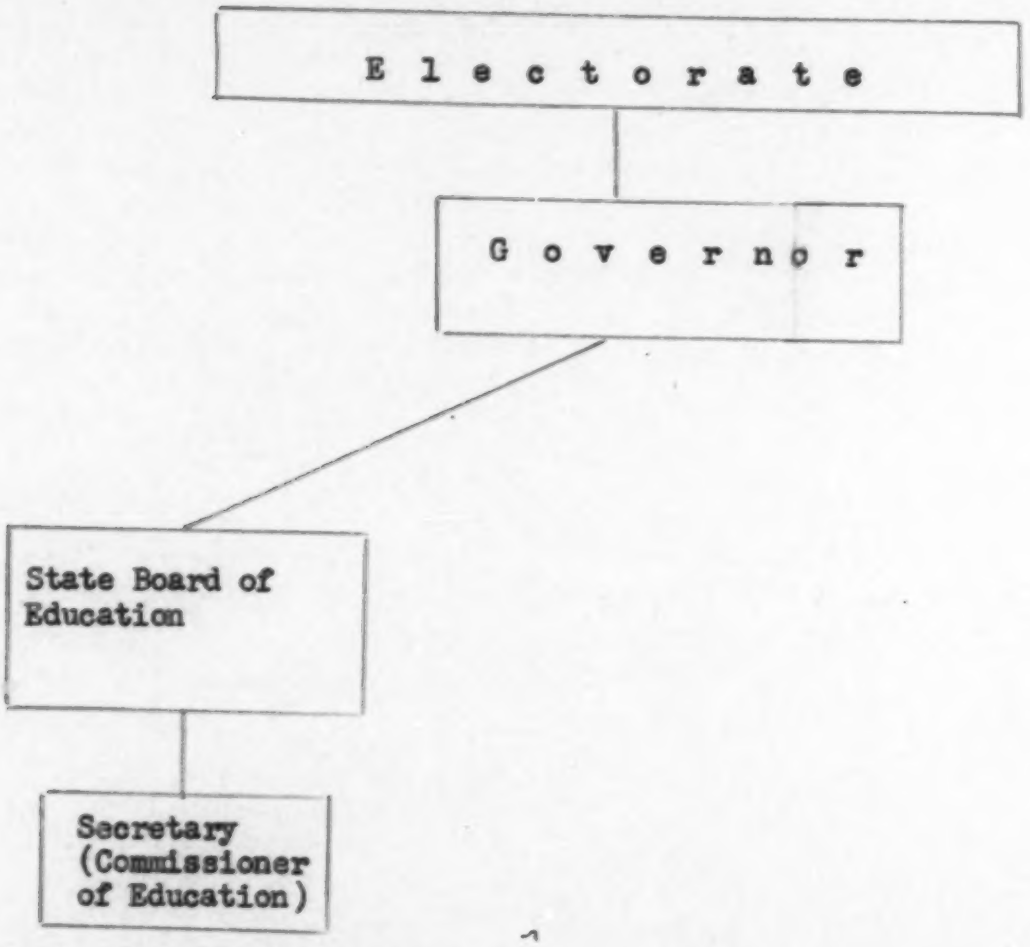
There are 125 school superintendencies in the State: 14 union superintendencies, 8 regional high school superintendencies, and 103 independent city or town superintendenciss. There are no county school superintendents in the State. A number of towns have jointly employed a superintendent to administer all the schools within their boundaries.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-1961, Part 2, OE-20005-61, p. 35.

Source: U. S. Department of Health, Education, and Welfare,
The State and Education (OE-23008), Washington, 1960, pp. 57-58.

C O N N E C T I C U T

1. State Educational Structure Chart (relating only to elementary & secondary public schools)



2. State Education Boards

a. Schools...

State Board of Education.--Consists of 9 members appointed by the governor for overlapping 6-year terms, 3 being appointed every 2 years. At least 1 member is appointed from and must reside in each county of the State.

3. Chief State School Officer

The secretary and assistant secretary of the State board of education (commissioner of education and deputy commissioner) are appointed by and serve at the pleasure of the State board of education.

7. Coordination of the State Education System Through Structure

The State board of education is primarily responsible for the coordination of the public elementary and secondary education program....

9. Fiscal Coordination

Three State education agencies submit budgets to the governor. These are the State Board of education...

The governor has authority to reduce the total amount of the budget of any educational agency or to eliminate, increase, or reduce specific items. The director of the budget, in a staff capacity, assists the governor in his duties respecting the formulation of the executive State budget and the correlating and revising of estimates and requests. The governor, as a consequence of these fiscal powers, has extensive coordinative authority over the State program of education.

State: Connecticut

Source of information unless otherwise stated: Laws Relating to Education, 1959, and 1959 Supplement to Laws Relating to Education, published by Conn. State Dept. of Education, Hartford, selected from the 1958 Revision of the General Statutes, as amended.

PART I

Educational Organization

State level:

Department of Education: called Connecticut State Department of Education

how organized: not stated

established by: not stated, but implied in Sec. 10-2

is it a body corporate: not stated (but, as part of top executive structure, it should not be)

State Board of Education: called State Board of Education, Sec. 10-1

established by: Sec. 10-1

is it a body corporate: probably not

composition: 9 members, Sec. 10-1

how selected: appointed by governor, Sec. 10-1

is confirmation necessary: not

subject to what control: not stated, but evidently the governor

to whom reporting: governor, Sec. 10-4

term of office: 6 years, overlapping, Sec. 10-1

Chief state school officer: called Commissioner of Education, according to collateral publications

office established by: not stated precisely, but evidently under authority of Board to appoint "agent", Sec. 10-2

how selected: appointed by State Board, Sec. 10-2

is confirmation necessary: no provision

subject to what control: apparently State Board, Sec. 10-2

to whom reporting: State Board, Sec. 10-2

term of office: not stated

staff and who appoints: State Board appoints as necessary, Sec. 10-2

Other organization or official: called

State: Connecticut

PART I

Educational Organization (continued)

Intermediate level:

Organizational unit: called Regional school district

how organized: by referendum of voters with approval of State Board of Education, Sec. 10-45

composition: two or more towns

is it a body corporate:

Board of education, if any: called Regional Board of Education

established by: Sec. 10-46

is it a body corporate:

composition: 5 to 9 members, Sec. 10-46

how selected: majority vote of boards of education of constituent towns, Sec. 10-46; replacements by vote of each constituent board

is confirmation necessary: No

subject to what control: State Board

to whom reporting: State Board

term of office: 3 years, Sec. 10-46

Administrative officer of unit; called Superintendent, or supervising agent

office established by: Sec. 10-157

how selected: ballot of town board, Sec. 10-157

is confirmation necessary: no

subject to what control: town board, Sec. 10-157

to whom reporting: town board, Sec. 10-157

term of office: fixed by town board

staff and who appoints: fixed by town board

State: Connecticut

PART I

Educational Organization (continued)

Intermediate level:

Organizational unit: called Supervision district

how organized: by agreement of two or more towns employing 25-35 teachers

composition: joint committee from boards of component towns

is it a body corporate: no

Board of education, if any: called boards of education of component town districts continue to operate separately, but each chooses one of
established by: its members to serve on the "supervision committee"

is it a body corporate:

composition:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

Administrative officer of unit; called superintendent of schools

office established by: Sec. 10-158

how selected: majority vote of joint committee, ibid.

is confirmation necessary: no

subject to what control: joint committee, ibid.

to whom reporting: joint committee, ibid.

term of office: not more than 3 years, ibid.

staff and who appoints: as determined by joint committee, ibid.

State: Connecticut

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Town, and for this purpose is a "school district", Sec. 10-240

how organized:

composition:

is it a body corporate: yes, Sec. 10-241

Board of education: called Town Board of Education

established by: (by implication, Sec. 10-15, 10-218)

is it a body corporate: no, see above.

composition: not stated

how selected: evidently elected by regular town election

is confirmation necessary: not stated

subject to what control: Town voters (Sec. 10-220) and State Board

to whom reporting: State Board, Sec. 10-226

term of office: not stated

Administrative officer of unit: called (a) Superintendent or supervisor of schools; (b) supervising agent

office established by: (a) Sec. 10-157; (b) Sec. 10-159

how selected: (a) ballot by board, Sec. 10-157
(b) by State Board of Education

is confirmation necessary: no

subject to what control: (a) local board, Sec. 10-157;
(b) State board, Sec. 10-159

to whom reporting: (a) local board, Sec. 10-157
(b) State board, Sec. 10-159

term of office: (a) fixed by local board, 3 years or less, Sec. 10-157
(b) fixed by State board, Sec. 10-159

staff and who appoints: not stated

State: Connecticut

PART I

Educational Organization (continued)

Schools

Principals

appointed by: Town board, Sec. 10-157, or by regional board if any, Sec. 10-57
qualifications: --

term of office: not exceeding 3 years, Sec. 10-157

Teachers

appointed by: Town board, Sec. 10-151 or by regional board if any, Sec. 10-57, or by supt. or supervising agent
qualifications: certificate upon delegation of authority of State Board, Sec. 10-151
certification: by State Board, Sec. 10-146

tenure: 1 year, renewable up to 4, with exceptions, Sec. 10-151

special assignments: --

State: Connecticut

Source of information unless otherwise stated: Laws Relating to Education, 1959, Connecticut State Department of Education, Hartford, Connecticut.

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

State Board of Education

Sec. 10-4. Duties of board. Reports. Said board shall have general supervision and control of the educational interests of the state; may direct what books shall be used in all of its schools, but shall not direct any book to be changed oftener than once in five years;.... shall keep informed as to the condition and progress of said schools and shall seek to improve the methods and promote the efficiency of teaching therein by holding, at convenient places in the state, meetings of teachers and school officers for the purpose of instructing in the best modes of administering, governing and teaching public schools and by such other means as it deems appropriate and shall perform such other duties as are specifically imposed upon it by law. Said board shall submit to the governor, as provided in section 4-60, a report containing an abstract of the returns made to it by the various boards of education, a detailed statement of the doings of the board and an account of the condition of the public schools and of the amount and quality of instruction therein and such other information as will apprise the general assembly of the true condition, progress and needs of public education, and may publish such reports and information concerning the educational interests of the state as it deems advisable.

Sec. 10-284. Approval of applications by state board. The state board of education shall have authority to receive, review and approve applications for state grants under this chapter [Public School Building Projects], or to disapprove any such application, but only so far as such application does not comply with the requirements of the state fire marshal or the state department of health.

Sec. 10-290a. School construction economy service. The state board of education shall maintain a school construction economy service for the purpose of reviewing the preliminary and final plans and specifications for any school building project and the educational program which it is designed to house and advising boards of education and school building committees regarding the suitability of such plans on the basis of educational effectiveness, sound construction and reasonable economy of cost, and for said purposes may employ the necessary staff, including architects.

State: Connecticut

PART II - continued (2)

Sec. 11-23. State board of education to advise and assist libraries. The state board of education shall give to communities advice and assistance in the organization, establishment and administration of free public libraries and school libraries, shall extend to all free public libraries and school libraries, and to the librarian or director of any public library, and to the librarian and teachers of any public school, aid in selecting and cataloguing books and in library management, and may, for the purpose of this section, visit and inspect libraries organized under the provisions of section 10-221 and suggest improvements in such libraries. Said board is authorized to purchase and arrange books and pictures to be loaned to such public libraries, school libraries, associations and individuals as the board may select.....

Sec. 10-18f. State board of education to prepare citizenship courses. The state board of education shall prepare or cause to be prepared for use in state * * * colleges and other state educational institutions under its supervision and jurisdiction the course of study required by this section.

Regional Board of Education

Sec. 10-47. Powers of regional board. Such regional board of education shall, with respect to the regional schools, have all the powers and duties conferred upon boards of education by the general statutes not inconsistent with the provisions of this part. Such board may select and purchase property, and may purchase, lease or rent buildings, for school purposes, in the town or towns approved in the referendum held in accordance with the provisions of section 10-45 and, as part of the purchase price of any such building, may assume and agree to pay any bonds or other capital indebtedness theretofore issued by a town for the land and buildings purchased; and may, after bonds have been issued in accordance with the provisions of section 10-56, build, add to, equip and organize a school or schools for the benefit of the towns comprising the district. In addition, such board may purchase school busses and may include other grades of the public schools in the regional district provided it is authorized to do so by a referendum held in the manner provided in section 10-45.....

Sec. 10-60. Borrowing in addition to bonds. In addition to the power to issue bonds as provided by section 10-56, such regional board of education shall have the power, when deemed necessary, to borrow sums of money in an amount which shall not exceed in the aggregate one hundred thousand dollars for a period not to exceed five years and pay interest thereon for acquiring lands, for securing the services of architects and professional consultants, for the operation and maintenance of a regional school or schools, for the installation of equipment for the same and for contingent and other necessary expenses connected therewith.....

State: Connecticut

PART II - continued (3)

Sec. 10-151. Employment of teachers. Notice and hearing on termination of contract. (a) Any board of education may authorize the superintendent or supervising agent to employ teachers. Any superintendent or supervising agent not authorized to employ teachers shall submit to the board of education nominations for teachers for each of the schools in the town or towns in his jurisdiction and, from the persons so nominated, teachers may be employed. Such board shall accept or reject such nominations within one month from their submission. If such board rejects such nominations, the superintendent or supervising agent shall submit to such board other nominations and such board may employ teachers from the persons so nominated and shall accept or reject such nominations within one month from their submission.

Town School Districts

Sec. 10-240. Control of schools. Each town shall maintain the control of all the public schools within its limits and for this purpose shall be a school district and shall have all the powers and duties of school districts, except so far as such powers and duties are inconsistent with the provisions of this chapter.

Sec. 10-241. Powers of school districts. Each school district shall be a body corporate and shall have power to sue and be sued; to purchase, receive, hold and convey real and personal property for school purposes; to build, equip, purchase and rent schoolhouses and make major repairs thereto and to supply them with fuel, furniture and other appendages and accommodations; to establish and maintain schools of different grades; to establish and maintain a school library; to lay taxes and to borrow money for the purposes herein set forth; to make agreements and regulations for the establishing and conducting of schools not inconsistent with the regulations of the town having jurisdiction of the schools in such district; and to employ teachers, in accordance with the provisions of section 10-151, and pay their salaries. When such board appoints a superintendent, such superintendent may, with the approval of such board, employ the teachers.

Sec. 10-248. Payment of school expenses. The expenses of maintaining public schools in each town, which shall be incurred with the approval of the town board of education, shall be paid by the town treasurer on orders drawn by said board, except so far as they may be met by the income from local school funds. Such orders may be signed by such persons on behalf of the board as the board by bylaw or special vote, certified by the secretary to the town treasurer, provides; and, in the absence of such bylaw or special direction, by the secretary.

Town Board of Education

Sec. 10-32. Duties of town board of education. When any town maintains a high school, the board of education shall prescribe rules for the admission of pupils and for their studies, books and classification.

See Sec. 10-151 under Regional Board of Education above. It is equally applicable to Town Board of Education.

State: Connecticut

PART II - continued (4)

Sec. 10-220. Duties of boards of education. Boards of education shall maintain in their several towns good public elementary and secondary schools and such other educational activities as in their judgment will best serve the interests of the town;.....shall have charge of the schools of their respective towns; shall make a continuing study of the need for school facilities and of a long-term school building program and from time to time make recommendations based on such study to the town; shall have the care, maintenance and operation of buildings, lands, apparatus and other property used for school purposes;.....shall employ and dismiss the teachers of the schools of such towns subject to the provisions of sections 10-151 and 10-158;.....and shall perform all acts required of them by the town or necessary to carry into effect the powers and duties emplosed upon them by law.

Sec. 10-221. Boards of education to prescribe rules. Boards of education shall prescribe rules for the management, studies, classification and discipline of the public schools and, subject to the control of the state board of education, the textbooks to be used; shall make rules for the arrangement, use and safe-keeping, within their respective jurisdictions, of the school libraries and approve the books selected therefor, and shall approve plans for schoolhouses and superintend any high or graded school in the manner specified in this title.

Sec. 10-222. Appropriations and budget. The board of education in each city or town, and the school committee of each school district, as the case may be, shall prepare an itemized estimate of the cost of maintenance of public schools for the ensuing year and shall submit such estimate to the board of finance in each town having a board of finance and to the board of selectmen in each town having no board of finance and, in any city having a board of finance, to said board, otherwise to the authority making appropriations therein.....

Town Superintendents

Sec. 10-157. Superintendents. .....superintendent shall, at least three weeks before the annual town meeting, submit to the board a full written report of the proceedings of such board and of the condition of the several schools during the school year preceding, with plans and suggestions for their improvement, and shall perform such other duties as such board requires of him.

STATE: Connecticut

Source of information unless otherwisex stated: Laws Relating to Education, 1959, and 1959 Supplement, Connecticut

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teachingmachine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

The only specific legal authority relates to library facilitiesand is as follows:

"Sec. 11-30. Contracts for library service. Any state agency, municipality, taxing district or public or private library may contract with any other state agency, municipality, taxing district or public or private library to provide or secure such library services asmay be agreed upon, which services may include, but need not be limited to, (1) the lending of booksand related library materials, (2) the establishment of branch libraries, depositories or bookmobile service and (3) cooperative purchasingand processing of books, recordings, filmsand related library materials. (1959, P.A. 489, S. 1.) Effective June 16, 1959."

State: Connecticut

Source of information unless otherwise stated: Laws Relating to Education, 1959, and 1959 Supplement, Connecticut

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject.
Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes — 2. Planning the use of AV aids

Sec. 10-4

Yes — 3. Preparing curricula

Sec. 10-15 and Sec. 10-18.

Yes — 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

Sec. 10-4

Yes — 5. Organizing AV units and cooperative activities

Sec. 10-4

No — 6. Conferring on AV use outside of State educational structure

State: Connecticut

PART IV (continued)

Yes or No

No 7. Selecting AV aids (and observing academic freedom)

Yes 8. Selecting textbooks (and observing academic freedom)

Secs. 10-4, 10-229, and 10-221

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

Secs. 10-228, 10-241

Yes 10. Financing acquisition by rent or purchase

Secs. 10-222 and 10-241

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel

Sec. 10-4

Yes 12. Distributing AV aids

Sec. 11-30

No 13. Producing AV aids

Yes 14. Certificating teachers and AV professionals

Sec. 10-145, Sec. 10-146

No 15. Prescribing qualifications of using personnel

State: Connecticut

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

Secs. 10-221 and 10-241

Yes 17. Building or remodeling schools to facilitate AV use

Secs. 10-220, 10-221, 10-289, and 10-290a

Yes 18. Federal aid to schools

Secs. 10-11 and 10-11a

Yes 19. State aid to schools

Secs. 10-260, 10-261, 10-262, and 10-263

Yes 20. Private aid to schools

Sec. 10-9

Yes 21. Library programs

Secs. 10-28, 10-221, 10-241, 10-267, 11-20 through 11-37 (esp. 11-23, 11-24, 11-25, and 11-30).

Yes 22. Research programs

Sec. 10-4

Yes 23. Institutes

Sec. 10-4

No 24. Other established procedures

STATE: Connecticut

Source of information unless other wise stated: Laws Relating to Education, 1959, and 1959 Supplement, Connecticut

PART IV

Topics 2, 4, 5 and 11/22 and 23:

It is believed that Section10-4, relating to Duties of the State Board of Education provides authority for the above-numbered topics. In that section the state board is given "general supervision and control of the educational interests of the state," is to "keep informed as to the condition and progress of /the/... schools," is to seek to "improve the methods and promote the efficiency of teaching therein by holding... meetings of teachers and school officers for the purpose of instructing in the best modes of administering, governing and teaching public schools and by such other means asit deems appropriate..." The board is to submit a report to the governor detailing the activities of the board and giving an account of the conditionof the public schools and of the amount and quality of instruction therein and other information apprixing the general assembly of the condition, pregress and needs of public education.

Topic 3:

Sec. 10-15 specifically sets forth certain subjects to be taught, as reading, spelling, writing, English grammar, geography, arithmetic, history, citizenship, hygiene, etc., and "such other subjects as may be prescribed by the board ofeducation.

Sec. 10-18 prescribes certain Citizenship courses which must be taught.

Topic 8:

It is among the duties of the state board of education to "direct what books shall be used in all ofits schools, but shall not direct any book to be changed oftener than once in five years." Sec. 10-4.
In Sec. 10-229, it is provided: "No board ofeducation of any town shall change any textbooks used in the public schoolsexcept by a two-thirds vote of all the members of the board, notice of such intended change having been previously given at a meetingof such board held at least one week previous to the vote upon suchchange."
Sec. 10-221 provides that local boards of education may prescribe textbooks, subject to the control ofthe state board of education.

Topic 9:

Sec. 10-228 is pertinent here. It provides: "In each town the board of education shall purchase such books, either as regular texts or as supplementary books and supplies, as are necessary to meet the needsof instruction in the schools of the town or district...."
Sec. 10-241 is also in point: "Each school district shall be a body corporate and shall have power to..... purchase ... real and personal property for school purposes."

STATE: CONNECTICUT

PART IV (Cont'd.)

Topic 10:

Sec. 10-222 sets fo appropriation and budget provisions, which are set forth below in outline form:

The board of education in each city or town, and the school committee of each school district(as the case may be):

Prepares itemized estimate of cost of maintenance of public schools for the ensuing and submitsthis estimate to:

Board of finance or board of selectmen, or other authority making appropriations.

"The money appropriated by any city, town or school district for the maintenance of public schools shall be expended by and in the discretion of the board of education.

Sec. 10-241, setting forth the powers of school districts, gives them power "to lay taxes and to borrow money for the purposes herein set forth."

Topic 12:

See Sec. 11-30, referred to under Part III, above.

Topic 14:

Sec. 10-145 - No teacher, principal, supervisor, supervising agent or school superintendent shall be employed in any of the schools of any town unless he poseesses an appropriate state certificate.

Sec. 10-146 - "The state board of education may, in accordance with such regulations as it prescribes, grant a certificate of qualification to teach or to supervise in any publicschool in the state and may revoke the same. ...."

/Also see material in "Connecticut" folder, including certification regulations applying to aduio-visual education supplied by the Stae Department of Education./

Topic 16:

Sec. 10-221 provides "/Local/ Boards of education shall prescribe rules for the management,xxutstudies, classification and discipline of the public schools..."

Sec. 10-241 gives school districts power "to establish and maintain schools of different grades."

STATE: Connecticut

PART IV (Cont'd.)

Topic 17:

It is believed the following sections have pertinent provisions:

Sec. 10-220 - Boards of education "shall make a continuing study ofthe need for school facilities and of a long-term school building program and from time to time make recommendations based on such study to the town.

Sec. 10-221 - Boards of education "shall approve plans for schoolhouses."

Sec. 10-289 - Any town, upon approval by a vote of members present at a regular or special meeting of its legislative body, may, without further authority from the general assembly, issue its bonds, for financing in whole or in part any school building project.

Sec. 10-290a - "The state board of education shall maintain a school construction economy service for the purpose of reviewing the preliminary and final plans and specifications for any school building project and the educational program which it is designed to house and advising boards of education and school building committees regarding the suitability of such plans on the basis of educational effectiveness, sound construction and reasonable economy of cost, and for said purposes may employ the necessary staff, including architects."

Topic 18:

Sec. 10-11 - "The state board of education is empowered, subject to the provisions of the general statutes, to receive any federal funds made available to this state for educational purposes ... The state treasurer shall be the custodian of such funds."

Sec. 10-11a - "The state board of education may, within the provisions of section 4-87, allocate and use any appropriation or special fund to meet the matching requirements of the federal acts making fundsavailable to the state for educational purposes."

Topic 19:

Each town or school district shall receive aid as provided in sections 10-261 to 10-263, inclusive. -- Sec. 10-260.

Sec. 10-261 is Definitions. Sec. 10-262 - Sets forth the specific amounts per pupil to be paid by the comptroller to each town or school district. Sec. 10-263 - Specifies the arrangements for application for aid.

STATE: Connecticut

PART IV (Cont'd.)

Topic 20:

Sec. 10-9 provides that the state treasurer may receive in the name of the state any money or property given or bequeathed to the state or state board of education for educational purposes and may expend the same and also invest the same.

Topic 21:

Sec. 10-28 provides: "The state board of education may establish and maintain library service centers to provide supplementary books and related materials and services to public libraries and to public schools."

Sec. 10-221 provides that local boards of education are to make rules for the arrangement, use and safe-keeping, within their respective jurisdictions, of the school libraries and approve the books selected therefor.

Section 10-241 provides that each school district shall have power to "establish and maintain a school library."

Section 10-267 provides that the board of education of any town may apply to the state board of education for a grant of not more than three hundred dollars for each school in which there is no central school library for the purchase of reference books or other supplemental books, but not for text books. The local school board must appropriate an amount equal to that granted by the state.

Secs. 11-20 through 11-37 relate to public libraries. Especially pertinent are: Sec. 11-23, "State board of education to advise and assist libraries;" Sec. 11-24, "Payments to free public libraries;" Sec. 11-25, libraries receiving a state appropriation to make annual report to state board of education; and Sec. 11-30, "Contracts for library service," referred to under Part III, above.

DELAWARE (1959-60)

Enrollment in full-time public schools:	
Elementary	61,655
High School	5,651
Number of school districts (including non-operating)	94
Number of elementary schools	146
Number of high schools (including junior high)	55
Expenditure per pupil in average daily attendance	$455

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960. OE-20006-60, pp. 6-7, 9, 11.

DELAWARE

Independent District Superintendencies

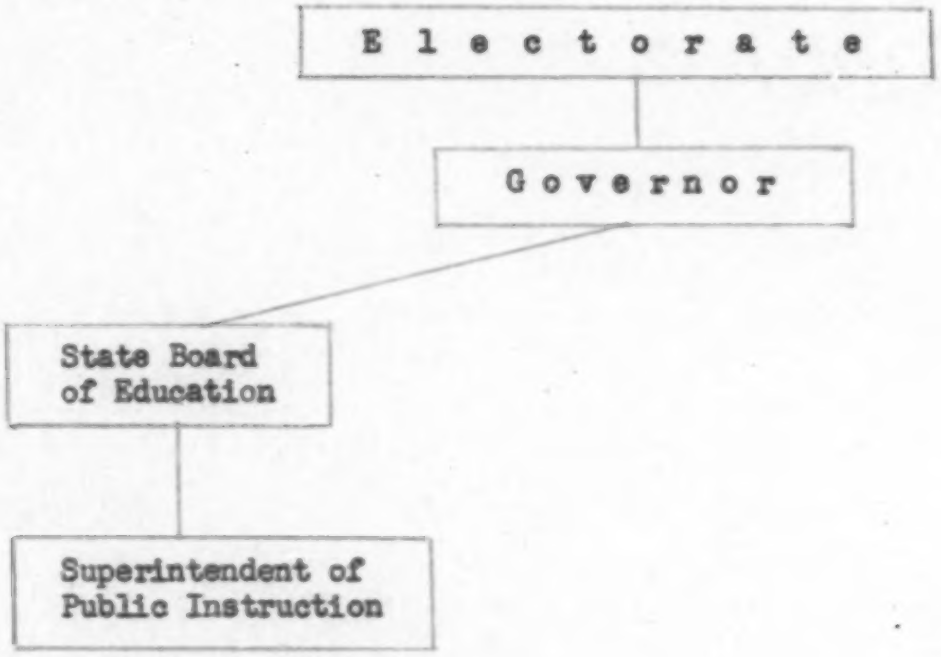
Delaware has no county school superintendents. There are 93 independent school districts in the State. Of the 93 independent school districts, 77 are called "State Board Unit Districts" and are listed by number and name. These 77 districts are administered by a supervising principal or head teacher. The remaining 16 districts are called "Special Districts" and are administered by a school superintendent.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-1961, Part 2, OE-20005-61, p. 37.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 59-60.

D E L A W A R E

1. State Educational Structure Chart (relating only to elementary & secondary public schools)



2. State Education Boards

a. Schools...

State Board of Education.--Composed of 6 citizens of the State appointed by the governor for 3-year overlapping terms. Not more than 3 members belong to the same political party. At least 1 member must be a resident of Wilmington, 1 of New Castle County outside Wilmington, and 1 each from Kent and Sussex Counties.

3. Chief State School Officer

The superintendent of public instruction is appointed each year by the State board of education. The superintendent must be a graduate of a standard college and have a minimum of five years' teaching and administrative experience.

7. Coordination of the State Education System Through Structure

The State board of education is responsible for coordination of the elementary and secondary education program of the State.

9. Fiscal Coordination

Three State education agencies submit budgets to the budget commission. These are the State board of education... The budget commission is composed of five ex officio members: the governor, secretary of State, State tax commissioner, State auditor, and State treasurer. The budget commission conducts hearings on the various estimates and submits a report to the governor, who prepares the executive budget for submission to the legislature. Since the governor has authority to make whatever changes he feels desirable, his control over the budgets is considerable.

Delaware

(References are to Title 14 of the Delaware Code, entitled the School Laws of Delaware, as of January 1, 1961.)

State Organizational Structure

Section 101 provides that the general administration and supervision of the free public schools and of the educational interests of the State are vested in the State Board of Education. The Board is authorized by section 107(a) to appoint, as its Executive secretary, a State Superintendent of Instruction. The duties of the Superintendent are defined in the section which gives the Board the right to invest him with such powers as it deems proper. This is ~~done~~ in section 108. Section 301 defines what is meant by a School Board. It is a Board of Trustees of a School District, or a Board of Education of a Special School District, or both. Sections 303 and 304 also maintain this distinction between a School District, which has a Board of Trustees, and a Special School District, which has a Board of Education.

but no duties are defined.

The Board of School Trustees of a School is the District representative of the State Board of Education, according to section 702. This is different from the section creating the Boards of Education of the Special School Districts. Section 902 states that there shall be Boards of Education and they shall be responsible for the general administration and supervision of the public schools and educational interests of their Districts.

It is only the Special School Districts that are authorized to appoint, as their executive officer, a Superintendent of Schools. Section 971 indicates that the Superintendent is also the Secretary of the Board. His duties include the responsibility for the administration and supervision of the public schools. Section 974 directs him to visit the schools, observe the management and instruction, and give suggestions for their improvement. The only limitation is that he must act under the rules and regulations of the Board.

Supervision and Authority

The general powers of the State Board of Education are enumerated in section 121. Among the various functions to be performed are the following; (1) The consultation with, and the advising and cooperation with the Boards of the Special Districts and the Trustees of the School Districts with other officers and interested citizens in matters relating to education and to the conduct of schools. (2) The determination of the educational policies of the State. Subpart (8) Provides for the conducting of investigations relating to the educational needs and the means of improving the educational conditions. Also subpart (11) includes the payment and providing of electric lighting and electric power necessary for the maintenance of those public schools not within a Special School District.

The State Boards powers also involve the adoption of rules and regulationsn for the administration of the public school system, according to section 122. Those regulations govern such things as the grading and standardization of the public schools, the minimum courses of study, the choice of text-books, the qualification of teachers, the conditions of buildings and their equipment.

Pursuant to section 127 the State Board is to submit a report to the Governor covering all operations of the Board, as well as, the support, condition, progress, and needs of education throughout the State.

The Boards of Trustees of the School Districts are not permitted much authority or discretion. Section 712 provides an example in the procurement of textbooks. The District Boards are directed to obtain them from the the State Board, subject to the approval of the State Board.

On the other hand the Boards of Education in the Special School Districts are responsible for the general administration and supervision of the free public schools and educational interests of the District. This is authorized by section 902. The duties and powers of these Boards are listed in section 941. They are to determine the educational policies, prescribe rules and regulations for the conduct and management of the schools, grade and standardize the schools under their jurisdiction, adopt courses of study, select adopt, purchase, and distribute textbooks and other materials of instruction necessary. The only limitation on the authority of these Boards is that they are subject to the provisions of the Code and the rules and regulations of the State Board.

The Superintendent of the Special Districts, created by section 971, is responsible for the administration and supervision of the District public schools. Section 974 also provides that he is to visit schools, observe the management and instruction, and give suggestions for their improvement. He is also directed to organize conferences and such other educational activities "as will foster professional insight and efficiency in teachers and develop public interest in education." He only conducts teacher exams when required by the State Board, according to section 975.

Elections And Appointmnts

The State Board of Education, created by section 101, is composed of six members, all of whom are appointed bythe Governor. There are two ex-officio members who serve in consulting capacities. Section 102 lists the President of the University of Delaware and the President of Delaware State College. They owe their position to noone.

The Boards of Trustees in the School Districts and the Boards of Education in the Special School Districts are all elected pursuant to sections 304 through 309. The former elect their own officers, a chairman and a clerk, according to section 704; section 904 states that the Special District Boards elect a president and a vice-president. However, nothing more is said about these officers.

Selection of Text-books

The State Board of Education is directed by section 123 to furnish all books and suppliesto School Districts throughout the State. Section 122 also authorizes the Board to adopt rules and regulations for the administration of the school system. More specifically, these rules are to govern, among other subjects, the choice of text-books to be used in all the elementary schools and high schools of the State. The lists from which the Boards of the Special Districts are to select their texts are prescribed by the State Board.

The Boards of Trustees of the School Districts are directed to requisition from the State Board, subject to the State Board's approval, those text-books, supplementary readers, maps, globes and charts, materials of instruction, stationery and school supplies, educational equipment, apparatus and other supplies as may be necessary. They are also to report to the State Board on the number and condition of books and supplies on hand. The relevant provision is section 712.

According to section 941 the Boards of Education of the Special School Districts have the authority to (4) "Select, adopt, purchase, and distribute free of charge, such text-books, supplementary readers, maps, globes and charts, materials of instruction, stationery and school supplies, school furniture, educational equipment, apparatus and supplies as are necessary to the work of the schools..." This power is subject to those rules established by the State Board, as well as to the other sections of the Code. Therefore, the grant of authority in section 123, which directs the State Board to furnish all books and supplies to School Districts throughout the State, indicates that the State Board is the source of supply.

Courses of Study

The authority conferred on the State Board of Education to establish rules to govern the grading and standards of schools seems to include standards for years and grades of instruction. This wording is found in section 122. To the same point is the power to adopt rules for determining minimum courses of study. This is for both elementary and high schools. Nevertheless, 2502 states that the State Board is to adopt and publish standard courses for high schools.

Although section 942 permits the Boards of the Special Districts to adopt courses of study, these course are subject to the rules selected by the State Board.

Library and Research Programs

The School Laws of Delaware contain ro provision on the subject. However, some inferences may be gained from the general grants of power. In section 121 subpart (8) The State Board of Education is authorized to conduct investigations into the educational needs of the State. Subpart (2) of that same section authorizes the determination of the State's educational policies. These are such broad grants of power that the State Board could regulate library programs with little difficulty.

The Superintendent of the Special District Boards is directed to organize and conduct institutes and conferences by section 974. This may be construed to permit some research programs on a local level.

Conferring on the Use of A-V Aids Outside the Educational System

There are no references to this subject in the School Laws. The general grants of power conferred on the State Board of Education are such that they might permit this agency to function in this manner. They are found in sections 121 to 123.

More in point is the Superintendent of the Special District. Section 974, which is the section conferring on him his duties, also directs him to organize and conduct institutes. Nothing more is said about them. Presumably, he has complete discretion as to when, where, and who are to be called. That same section includes "such other educational activities as will foster professional insight and efficiency in teachers..." This also seems possible asa general grant of authority to confer with others.

Selecting and Acquiring A-V Aids

As A-V Aids are not mentioned in the Delaware School Laws at all, it is necessary to look at other related topic to determine how these functions might be performed.

It is apparent that, although the State Board of Education makes the rules and governs the purchase of text-books, the local School Districts do the procuring. Section 712 provides that the Boards of Trustees of the School Districts requisition text-books from the State Board. However, this is subject to the State Board's approval. Along with text-books, that section lists such general items as materials of instruction, educational equipment, apparatus and other supplies as may be necessary for the conduct of the schools.

A similar provision governing the Boards of Education in the Special School Districts is section941. The authority to select, adopt and purchase these same items is conferred here.

From the above it seems clear that, not only do the present general provisions contain the necessary flexibility for obtaining A-V Aids, but that the agency who would perform that function would be found on the local level.

ORGANIZING A-V UNITS

The State Board of Education, it is provided, shall exercise general control and supervision over the public schools of the State of Delaware. According to section 121 these include(1) The consultation with,and the advising and cooperation with the Boards of Educations, Board of School Trustees, Superintendents of Schools, and other school officials in matters relating to education and the conduct of schools. Also the State Board determines the educationsl policies of the State, appoints the professional and clerical help necessary to carry out these policies, conducts investigations into the educational needs of the State and the means of improving the educational conditions, and pays for and provides for the electric lighting and electric power necessary for the maintenance of all free public schools.

It is clear that any organizing which might be arranged, would have to originate with the State Board of Education. The District Boards have no authority in these general fields, nor do they have authority in the specific ones.

Producing A-V Aids

Not only is there no provision directly related to the subject of producing A-V Aids, but there is nothing which is similar in content. This means that either the rules and regulations of the State Board of Education contain some reference, or that there is a need for the legislature to pass some statute in this field.

Distributing A-V Aids

No provision is made for the distribution of A-V Aids in the State of Delaware. The only related subject covered is the selection of text-books, which is handled on the local level. Section 942 confers authority on the Boards of Education to select, adopt, purchase, and distribute text-books, materials of instruction, equipment and other general types of goods used. Similarly, section 712 directs the Boards of Trustees to requisition these same goods from the State Board. The Trustees are also supposed to report to the State Board on the number and condition of books and supplies on hand.

Such general grants of authority seem flexible enough to almost cover the distribution of A-V Aids.

Planning the Use of A-V Aids

Although there are no specific references to this topic, the State Board of Education has many general grants of authority which can be interpreted for A-V Aids.

Within the general exercise of control and supervision over the public schools conferred by section 121 are (1) Consultation, advising and cooperation with local school authorities; (2) The determination of State educational policies; (3) The appointment of both professional and clerical personnel to carry out its policies; (6) Requiring reports on virtually any subject it deems necessary and advisable from the local Boards;and (8) Conducting investigations relating to the educational needs of the State and the means of improving conditions, and the appointment of special agents when deemed advisable.

As it is evident,from the sections creating the local Boards, that there authority is subject to approval from the State Board, any planning or policy making on the use of A-V Aids would be a State matter. The general powers seem to anticipate such a construction.

Regulating the Use of A-V Aids

The School Laws contain no specific reference to regulating the use of A-V Aids, However, there are a number of provisions for powers closely allied to the subject.

Among the powers which might benecessary for any authority in this field would be the causing of the provisions of the School Laws to be carried into effect, so as to provide a uniform, equal, and effective system of public schools. This is one of the general grants conferred upon the State Board of Education. A more specific power, also necessary to the regulation of any A-V Aids, would be the payment and providing of electric lighting and power. Both of these statements are found in section 121.

Section 122 permits the State Board to make rules and regulations in may related fields including text-books, minimum courses of study, grading of schools, and providing equipment to approved schools.

Very similar ~~rules may be~~ powers are given to the Boards in the Special Districts. However, section 941 points out that they are to be pursued in accordance with the laws and regulations established by the State Board. The Boards of Trustees of the School Districts have no comparable authority; they are completely dominated by the State Board.

Del

AID TO EDUCATION

Section 1501 establishes the general means for maintaining the free public schools. The revenue is derived from the income of the School Fund of the State of Delaware, and such moneys as shall be appropriated from time to time by the General Assembly.

The School Fund acquires its financing pursuant to the authority given in section 1502. This section permits any money and property given or appropriated to the School Fund thereby becomes a part of the School Fund.

Section 1504 indicates that the financing of the public school system includes the Public School Fund, Federal Aid, as well as legislative appropriations. However, it authorizes their use only in accordance with the official State School Budget.

It is apparent that the Budget is prepared by the Budget Commission, since section 1505(a) authorizes the Budget Commission to audit investments, business and financial transactions, records and accounts of the Trustee of the School Fund and all other accounts of the State Board of Education, and Boards of Education in the different Districts.

The Trustee of the School Fund is the State Treasurer according to section 1503. His duties include the power to sue for and recover money given or belonging to the School Fund.

He also receives all money collected by the Receiver of Taxes and County Treasurer pursuant to section 1918. He is then directed to deposit this money into a separate account in the depository for other school moneys to the credit of the District.

Del

Accrediting Schools

Section 122 authorizes the State Board of Education to prescribe rules and regulations "Governing the grading and standardization of all public schools, including in such standards equipment, teachers, years and grades of instruction offered, and particulary establishing the standards for two teacher schools and three teacher schools in the rural districts." So as to be more explicit, section 2501 places the professional supervision of high schools in the State Board.

In accordance with the rules and regulations of the State Board, the Boards in the Special Districts are authorized to grade and standardize all the schools under their jurisdiction. This language is found in section 941.

Del

Certificating Teachers

The initial rules and regulations are prescribed by the State Board of Education pursuant to the general grant of power in section 122. Section 742 indicates that any teacher engaged by a Board of Trustees must meet the standards and qualifications adopted by the State Board.

In the Special School Districts the Superintendent of Schools, when required by the State Board, is to conduct teachers' examinations within his District. This language is found in section 975.

Chapter 12 on Teacher Certification applies only to the State Board, Board in Wilmington, the Boards of the Special School Districts, and School Districts as have the authority to pass rules and regulations governing the qualification and certification of teachers. This explanation is in section 1201. According to section 1202, those teachers, who meet the certification requirements and have served three years, obtain a "Professional Status" certificate.

Del

FINANCING ACQUISITION

Chapter 15 section 1501 provides for the support of free public schools. They are to be maintained by the revenue derived from the income of the School Fund of the State of Delaware, and by such moneys as shal be appropriated by the General Assembly.

1502 also provides that all moneys and property given to the School Fund become a prt thereof.

The State Treasurer is the Trustee of the School Fund under the authority of section 1503. His use of the Fund is limited by Article X section 4 of the State Constitution which states that "No part of the principal or income of the Public School Fund, now or hereafter existing, shall be used for any other purpose than the support of free public schools."

Article X section 2 of theState Constitution authorizes the General Assembly to make provision for the annual payment of not less than one hundred thousand dollars for the benefit of the free public schools. It also states that "..the money so apportioned shall be used exclusively for the payment of teachers' salaries, and for furnishing free textbooks.... All other expenses connected with the maintenance of free public schools, and all expenses connected with the erection or repair of free public school buildings shall be defrayed in such manner as shall be providedby law."

Chapter 17 is the effort by the State Legislature to carry out that mandate. Under section 1701 The general Assembly is to provide for the payment of an amount which shall amply provide for the items of the official school budget. The appropriations are then divided into two divisions pursuant to section 1702. The first division includes appropriations designated for the purpose of paying the employees and division two includes the appropriations for all other school costs, except those for debt service and the transportation of pupils. Since there are these specific exceptions, it may well be argued that such a cost as the provision of Audio-Visual aids would be included in division two. Section 1706 adds support to this by indicating that the money is to be used for textbooks, furniture, and other classroom equipment.

PRECEDING PAGE MISSING - Parts I + II

State: Delaware

Source of information unless otherwise stated: Title 14 of the School Laws of Delaware, 1961

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

Sec. 712. Procurement of text books and other school materials and supplies. The Board shall requisition from the State Board of Education, subject to the approval of the State Board, such text books, supplementary readers, maps, globes and charts, materials of instruction, stationery and school supplies, educational equipment, apparatus and other supplies as may be necessary for the conduct of their respective schools. At the end of each school year the Board shall report to the State Board of Education the number and condition of all books and supplies on hand on forms supplied for that purpose.

Sec. 941. Duties of Board. The Board of Education of each District, subject to the provisions of this title and in accordance with the rules and regulations of the State Board of Education, shal-.....

(4) Select, adopt, purchase and distribute free of charge, such text books, supplementary readers, maps, globes and charts, materials of instruction, stationery and school supplies, school furniture, educational equipment, apparatus and supplies as are necessary to the work of the schools, provided that text books selected and adopted are not changed more often than once in four years.

Sec. 7301. State Library. The State Library shall consist of the books, pamphlets, maps, charts, and documents of every kind, including all books, pamphlets and papers received from the Medical Societies of Delaware, together with such others as may be acquired by gift, purchase, exchange or otherwise. There shall always be kept in the library not less than 25 copies of the Duke of York's Records for the same uses and purposes for which other books are kept.

State: Delaware

Source of information unless otherwise stated: Title 14, School Laws of Delaware, 1961

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject.
Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or
No

Yes 2. Planning the use of AV aids

(b) Secs. 121(1, 2, 3, 6, 8); 303; 702

Yes 3. Preparing curricula

(a) Secs. 122, 941, 2502

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

Sec. 121(1)

Yes 5. Organizing AV units and cooperative activities

(b) Sec. 121
See Topic 2

Yes 6. Conferring on AV use outside of State educational structure

(b) Secs. 121-123, 974

State: Delaware

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)

(b) Secs. 712, 941

Yes 8. Selecting textbooks (and observing academic freedom)

(a) Secs. 123, 122, 712, 942
941(4)

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

(b) Secs. 712, 941

Yes 10. Financing acquisition by rent or purchase

(a) Secs. 1501, 1502, 1503, 1701, 1702, 1706
Secs. 2 and 4 of Art. X of Constitution of Delaware

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel

(b) Secs. 121, 122, 941

Yes 12. Distributing AV aids

(b) Secs. 941, 712

No 13. Producing AV aids

Yes 14. Certificating teachers and AV professionals

(a) Secs. 742, 975, 1201, 1202

Yes 15. Prescribing qualifications of using personnel
Secs. 122(7), 742, 975, 976, 977.

State: Delaware

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

(a) Secs. 122, 941

Yes 17. Building or remodeling schools to facilitate AV use

Secs. 122, 1715, 2102, 2303

Yes 18. Federal aid to schools

Sec. 1504

Yes 19. State aid to schools

Secs. 1501, 1502, 1504, 1506(a), 1701, 1902, 1918, 2102

Yes 20. Private aid to schools

Secs. 2302, 7122

Yes 21. Library programs

(b) Sec. 121(2), 7101, 7122, 7123, 7129, 7301

Yes 22. Research programs

(a) Sec. 121(8)

Yes 23. Institutes

(a) Sec. 974

Yes 24. Other established procedures

Sec. 121(1)

State: Delaware

PART IV - continued (4)

Topic 2 - Planning the use of AV aids

There are no specific references to this topic. However, the State Board of Education has many general grants of authority which can be invoked.

Sec. 121 provides that the State Board shall (1) consult with, advise and cooperate with local school authorities; (2) determine State educational policies; (3) appoint both professional and clerical personnel to carry out its policies;.....(6) require reports on any subject it deems necessary and advisable from local Boards.....and (8) conduct investigations relating to educational needs of the State and means of improving conditions.....

It is evident from the section creating the local board (Secs. 303 and 702) that their authority is subject to approval by the State Board. Thus, any planning or policy making on the use of AV aids would be a State matter.

Topic 3 - Preparing curricula

Sec. 122(5) empowers the State Board of Education to adopt rules and regulations for determining the minimum courses of study for all public elementary schools and all public high schools of the State.

Sec. 2502 provides that the State Board shall adopt and publish standard courses for high schools.

Sec. 941(3) provides that Boards of the Special Districts shall adopt courses of study for the schools, subject to the rules and regulations of the State Board (Sec. 122(10).

Topic 4 - Advising subordinate units

Sec. 121 - General powers of the State Board, subsection (1), provides that the Board shall exercise general control and supervision over the public schools of the State, including the consultation with, and the advising and co-operation with the Boards of Education of Special School Districts, Boards of School Trustees, Superintendents of Schools of Special School Districts, and other officers, principals, teachers and interested citizens in matters relating to education and to the conduct of schools.

Topic 5 - Organizing AV units

See general powers cited in Topic 2. It is clear that any organizing which might be arranged would have to originate with the State Board of Education. The District Boards have no authority in these general fields, nor do they have authority in the specific areas.

State: Delaware

PART IV - continued (5)

Topic 6 - Conferring on AV use outside of State educational structure

The general grants of power conferred on the State Board are such that they might permit this agency to function in this manner. See Secs. 121, 122. An example of this type of general power can be found in Sec. 121(1) empowering the State Board to consult with the various school divisions, officers and interested citizens.....

Sec. 974 directs the superintendent of a special district to organize and conduct institutes. Nothing more is said about them. Presumably, he has complete discretion as to when, where, and who are to be called. That same section includes "such other educational activities as will foster professional insight and efficiency in teachers." This would also seem to be a general grant of authority to confer with others.

Topic 7 - Selecting AV aids

Sec. 712 provides that the Board of Trustees of the School Districts are directed to requisition from the State Board..... maps, globes and charts, etc.

Sec. 941(4) provides that the Boards of Education of the Special School Districts have authority to select, adopt, purchase and distribute the above items.

(See Part III and also Topics 8 and 9 in Part IV.)

Topic 8 - Selecting textbooks

Sec. 123 provides that the State Board shall furnish all books and supplies to School Districts throughout the State. Sec. 122 authorizes the State Board to adopt rules and regulations for governing the choice of textbooks to be used in all the elementary schools and high schools. The lists from which the Boards of Special Districts are to select their texts are prescribed by the State Board.

Sec. 941(4) provides that the Boards of Education of the Special School Districts have the authority to select, adopt, purchase and distribute free of charge, textbooks, and supplies.....Subject to rules and regulations of the State Board.

(Also see Part III.)

Topic 9 - Acquiring AV Aids, school supplies, equipment and textbooks.

Sec. 712 authorizes the boards of trustees of the school districts to requisition from the State Board, subject to the State Board's approval, those textbooks, supplementary readers, maps, globes and charts, materials of instruction, stationery and school supplies, educational equipment, apparatus and other supplies as may be necessary.

State: Delaware

PART IV - continued (6)

Sec. 941(4) authorizes the Boards of Education of the Special School Districts to select, adopt, purchase and distribute free of charge the items mentioned in Sec. 712.

(Also see Part III.)

Topic 10 - Financing Acquisition

Chapter 15, Section 1501, provides for the support of free public schools. They are to be maintained by the revenue derived from the income of the School Fund of the State of Delaware, and by such moneys as shall be appropriated by the General Assembly.

1502 also provides that all moneys and property given to the School Fund become a part thereof.

The State Treasurer is the Trustee of the School Fund under the authority of Section 1503. His use of the Fund is limited by Article X, section 4, of the State Constitution which states that "No part of the principal or income of the Public School Fund, now or hereafter existing, shall be used for any other purpose than the support of free public schools."

Article X, Section 2, of the State Constitution authorizes the General Assembly to make provision for the annual payment of not less than one hundred thousand dollars for the benefit of the free public schools. It also states that ".....the money so apportioned shall be used exclusively for the payment of teachers' salaries, and for furnishing free textbooks.....All other expenses connected with the maintenance of free public schools, and all expenses connected with the erection or repair of free public school buildings shall be defrayed in such manner as shall be provided by law."

Chapter 17 is the effort by the State Legislature to carry out that mandate. Under Section 1701 the General Assembly is to provide for the payment of an amount which shall amply provide for the items of the official school budget. The appropriations are then divided into two divisions pursuant to Section 1702. The first division includes appropriations designated for the purpose of paying the employees,and division two includes the appropriations for all other school costs, except those for debt service and the transporation of pupils. Since there are these specific exceptions, it may well be argued that such a cost as the provision of Audio-Visual aids would be included in division two. Section 1706 adds support to this by indicating that the money is to be used for textbooks, furniture, and other classroom equipment.

Topic 11 - Regulating use of AV aids

Generally Sec. 121 provides that the State Board shall cause the school laws to be carried into effect so as to provide a uniform, equal and effective system. More specifically, this same section authorizes the State Board to pay for and provide electric lighting and power.

State: Delaware

PART IV - continued (7)

Topic 12 - Distributing AV aids

Sec. 941(4) confers authority on the Boards of Education to select, adopt, purchase and distribute textbooks, materials of instruction, equipment, etc. Similarly, Sec. 712 directs the Boards of Trustees to requisition these same goods and report to the State Board on the number and condition of the books and supplies on hand (this grant of authority necessarily entails the distribution of the mentioned articles).

(Also see Part III.)

Topic 14 - Certificating teachers

The initial rules and regulations are prescribed by the State Board of Education pursuant to the general grant of power in Section 122. Section 742 indicates that any teacher engaged by a Board of Trustees must meet the standards and qualifications adopted by the State Board.

In the Special School Districts the Superintendent of Schools, when required by the State Board, is to conduct teachers' examinations within his District. This language is found in Section 975.

Chapter 12 on Teacher Certification applies only to the State Board, Board in Wilmington, the Boards of the Special School Districts, and School Districts as have the authority to pass rules and regulations governing the qualification and certification of teachers. This explanation is in Section 1201. According to Section 1202, those teachers, who meet the certification requirements and have served three years, obtain a "Professional Status" certificate.

Topic 15 - Prescribing qualifications of using personnel

Sec. 122(7) provides that the State Board shall prescribe rules and regulations governing the qualification and certification of teachers in all public schools of the State.....

Sec. 742 - Each principal and teacher engaged by the Board of School Trustees must meet the standards of qualifications adopted by the State Board of Education.

Generally the Boards of Education of Special School Districts hire those teachers who pass the qualifcations set down by the State Board. However, they do have the power to appoint and dismiss or suspend a teacher, Secs. 975, 976, 977.

Topic 16 - Accrediting schools

Section 122 authorizes the State Board of Education to prescribe rules and regulations "Governing the grading and standardization of all public schools, including in such standards equipment, teachers,

years and grades of instruction offered, and particularly establishing the standards for two teacher schools and three teacher schools in the rural districts." So as to be more explicit, Section 2501 places the professional supervision of high schools in the State Board.

In accordance with the rules and regulations of the State Board, the Boards in the Special Districts are authorized to grade and standardize all the schools under their jurisdiction. This language is found in Section 941.

Topic 17 - Building or remodeling schools

Generally Sec. 122 places in the hands of the State Board the power to prescribe rules and regulations for (1) governing the protective construction of school buildings, the selection, arrangement and maintenance of school sites and grounds.....

Sec. 2303 grants to the State Board of Education or the School Board the power to institute condemnation proceedings in order to acquire land for new school houses or for expansion of school houses.

Sec. 1715 sets up a revolving fund under the care of the State Board to be used for acquisition of property in anticipation of the need for construction of school buildings.

Sec. 2102 empowers the school board of a district to issue bonds to pay for.....construction of buildings subject to approval by State Board.

These sections indicate that the State Board has the authority to approve all proposed construction plans, remodeling plans and the financing thereof. The local districts are the implementing agencies.

Topic 18 - Federal aid

Sec. 1504 provides in part for the receipt and disbursement of Federal funds appropriated for school purposes under any law. It shall be paid to the State Treasurer.

Topic 19 - State aid

Section 1501 establishes the general means for maintaining the free public schools. The revenue is derived from the income of the School Fund of the State of Delaware, and such moneys as shall be appropriated from time to time by the General Assembly.

The School Fund acquires its financing pursuant to the authority given in Section 1502. This section permits any money and property given or appropriated to the School Fund thereby becomes a part of the School Fund.

State: Delaware

PART IV - continued (9)

Section 1504 indicates that the financing of the public school system includes the Public School Fund, Federal Aid, as well as legislative appropriations. However, it authorizes their use only in accordance with the official State School Budget.

It is apparent that the Budget is prepared by the Budget Commission, since Section 1506(a) authorizes the Budget Commission to audit investments, business and financial transactions, records and accounts of the Trustee of the School Fund and all other accounts of the State Board of Education, and Boards of Education in the different Districts.

The Trustee of the School Fund is the State Treasurer according to Section 1503. His duties include the power to sue for and recover money given or belonging to the School Fund.

He also receives all money collected by the Receiver of Taxes and County Treasurer pursuant to Section 1918. He is then directed to deposit this money into a separate account in the depository for other school moneys to the credit of the District.

Sec. 1701 provides that the General Assembly shall, at each of its biennial sessions, make provision for the annual payment for the succeeding two years to the free public schools of the State an amount which shall amply provide for the items of the official school budget.

Secs. 1702-1713 set out in detail the criteria used in making above appropriation.

Sec. 1902 - Any district may, in addition to the amounts apportioned to it by the State Board of Education or appropriated to it by the General Assembly, levy and collect additional taxes for school purposes upon the assessed value of real estate in such district, as determined and fixed for county taxation purposes.

Sec. 2102 - The School Board of any District may issue bonds for the purpose of carrying out any plan or program for the acquisition of lands or the acquisition or construction of buildings, or construction of sidewalks leading to a school site, as may be authorized (approved) by the State Board of Education.

Topic 20 - Private aid to schools

Sec. 2302 - School Boards may receive donations of playgrounds, school grounds and school sites, or of buildings already built suitably located and adapted to school purposes.....

Sec. 7122 - Any school district or district library commission in Delaware may receive and hold any devise, bequest or donation for the foundation and establishment, etc. of a free public library.....

State: Delaware

PART IV - continued (10)

Topic 21 - Library programs

Sec. 7301 provides for a State Library consisting of books, pamphlets, maps, charts, and documents of every kind.....

Sec. 7101 creates a Library Commission for the State of Delaware. It has supervision over all district libraries and district library commission, Sec. 7106.

Sec. 7123 - Any school district in Delaware may establish and maintain a free public library.....

The local boards may levy a tax (Sec. 7129)and receive donations (Sec. 7122) to support the library.

The State Board under Sec. 121(2) would seem to have the authority to determine the library programs to be made available to the schools by these public libraries.

Topic 22 - Research programs

Sec. 121(8) - The State Board is authorized to conduct investigations into the educational needs of the State.

Topic 23 - Institutes

Sec. 974 - Provides that the Superintendent of the Special District Boards is directed or organize and conduct institutes, conferences and such other educational activities as will foster professional insight and efficiency in teachers and develop public interest in education.

Topic 24 - Other established procedures

Sec. 121(1) - The State Board shall consult with, advise and co-operate with the Boards of Education of Special School Districts, Boards of School Trustees, Superintendents of Schools of Special School Districts, and other officers, principals, teachers and interested citizens relating to education and to the conduct of schools.

FLORIDA (1959-60)

Enrollment in full-time public schools:	
Elementary	768,025
High School	225,471
Number of school districts (including non-operating)	67
Number of elementary schools	1,327
Number of high schools (including junior high)	533
Expenditure per pupil in average daily attendance	$318

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960. OE-20006-60, pp. 6-7, 9, 11.

FLORIDA

County Superintendencies

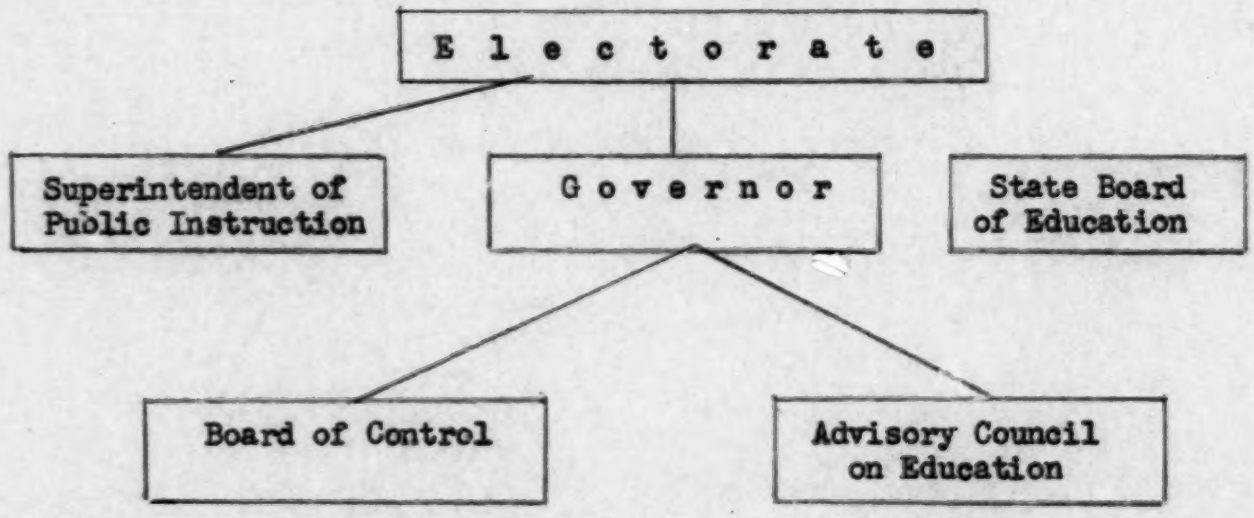
The State of Florida has a complete county-unit school system composed of 67 county-unit superintendencies. All public schools in cities and towns are administered by the superintendent of schools of the county in which they are located.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-1961, Part 2, OE-20005-61, p. 38.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 61-62.

F L O R I D A

1. State Educational Structure Chart (relating only to elementary & secondary public schools)



2. State Education Boards

a. Schools...

State Board of Education.---Consists of 5 ex officio members. They are the governor, secretary of State, attorney-general, State treasurer, and superintendent of public instruction. The governor is the president of the board, and the superintendent of public instruction is both secretary and executive officer of the board.

Board of Control (governing).--Consists of 7 members appointed by the governor for overlapping 4-year terms. One member is appointed from each of the 6 congressional districts of the State (as of January 1, 1951) and 1 from the State at large. No appointment may be made from any county in which is located the University of Florida, the Florida State University, the Florida Agricultural and Mechanical College, the Ringling Museums, or the Florida School for the Deaf and Blind. Members must have been citizens and residents of Florida for 10 years prior to appointment.

b. Supplementary programs

Advisory Council on Education.---Composed of 7 members appointed by the governor for overlapping 4-year terms. The advisory council is a statutory successor to the citizens committee on education of 1944-45. The council is charged with the responsibility for observing the unfolding of the educational program, particularly as developed from the omnibus law of 1947, and reporting to the legislature.

3. Chief State School Officer

The superintendent of public instruction is elected on a partisan ballot for a 4-year term which is concurrent with the governor's term. He is the secretary and executive officer of the State board of education.

7. Coordination of the State Education System Through Structure

The superintendent of public instruction and the State board of education are jointly responsible for the coordinatio. of the State program of public elementary and secondary education...

8. Coordination of the State Education System Through Ex Officio Memberships

The governor, the secretary of State, the attorney-general, the State treasurer, and the superintendent of public instruction are ex officio members of the State board of education.

9. Fiscal Coordination

Budgetary requests are submitted by only 2 educational agencies: (1) the board of control submits budgets for State institutions, and (2) the State superintendent of public instruction submits budgets for .....(c) department of education, (d) textbooks....

The State budget commission is composed of 7 ex officio members, the governor, the secretary of State, the comptroller, the treasurer, the attorney-general, the commissioner of agriculture, and the superintendent of public instruction. The governor, who is the chief budget officer, appoints a director of the budget to serve in a staff capacity to the budget commission. The budget commission has the power to hold hearings and to require a reduction in the total amount of each budget on the basis of a careful survey to determine need.

The budget commission must hold hearings on all estimates to be included in the State budget report to the legislature and must require attendance of representatives of all departments, agencies, bureaus, commissions, and institutions of the State of Florida created by legislative act and supported by any form of taxation.

The budget of the State department of education, which includes the budgetary requests of the superintendent of public instruction and the State board of education, is not incorporated into the governor's budget. The budget commission, prior to the meeting of the legislature, sends a printed copy of all budget data to each senator and representative. The governor uses the facts and figures pertaining to all budgets as a part of his general message to the legislature.

FLORIDA

References are to Title XV of the Florida Statutes, as compiled in the State Department of Education pamphlet Florida School Laws, 1961 Edition, Chapters 228-237, unless otherwise stated.

Outline of State Educational Organization*

STATE LEVEL

State functions: Section 229.01 reads: "Public education is basically a function and responsibility ofthe state. The responsibility for establishing such minimum standardsand regulations as shall tend to assure efficient operation of all schools and adequate educational opportunities for all children is retained by the state. The responsibility for the actual operation and administration of all schools needed within the counties in conformity with regulations and minimum standards prescribed by the state, and also the responsibility for the provision ofany desirable and practicable opportunities authorized by law beyond those required by the state are delegated by law to the school officials of the respective counties.

Section 229.06 states that all rules and regulations and minimum standards adopted or prescribed by the state board in carrying out the provisions of the school code shall have the full force and effect of law.

State Board

Section 229.15 provides that the state board of education shall consist of the governor, the secretary of state, the attorney general, the state treasurer and the superintendent of public instruction. The governor is to be the president and the state superintendent of public instruction is secretary and executive officer.

Section 229.07 General powers ofstate board [condensed]:

(1) State board shall determine and adopt policies necessary for the more efficient operation of any phase of public education.

(2) Adopt rules and regulations needed for proper enforcement and carrying outof provisions of school code.

(3) Adopt minimum standards for any phase of education considered necessary.

(4) State board has power to perform such duties and exercise such responsibilities as assigned to it by law or as it may find necessary for improvement of the state system of public education.

Section 229.08 Duties and responsibilities of state board [condensed]:

(5) Administer state school trust fund established by § 4, art. XII of the constitution.

(8) Adopt and transmit to the state budget commission, biennially, prior to meetingof state legislature,

*Only with relation to the current study and limited to elementary and secondary public schools.

References are to Title XV of the Florida Statutes, as compiled in the State Department of Education pamphlet Florida School Laws, 1961 Edition, Chapters 228-237, unless otherwise stated.

estimates of expenditure requirements for the institutions, agencies, and services under the control of the state board.

(10) Approve plans for cooperating with the federal government in carrying out any phase ofthe educational program in which cooperation is desirable and to provide for the proper administration of funds which may be appropriated by congress and apportioned to the state for any or all educational purposes.

Prescribe regulations under which contracts, agreements or arrangements may be made with agencies of federal government for funds, services, commodities, or equipment to be made available to the schools under state board of education.

(11) Cooperate with other agencies, federal, state, county, and municipal, in the development of regulationsand in the enforcement of laws for which the state boardand such agencies are jointly responsible, and with other appropriate agencies for the improvement of conditions relating to the welfare of schools.

(13) To provide for proper administration of and to determine policies governing the operation of all institutions, agencies, and services directly under the control of state board.

(18) Authorize forms and require reports.

(20) Prescribe minimum standardsand rulesand regulations as required by law or recommended by state superintendent and as it may find desirable to aid in carrying out the purposes and objectives of the school code.

(21) Adopt long-time program for development of state system of public education based on special studies and surveys and recommendations submitted by state superintendent.

(22) Cooperate with state superintendent at all times to the end that the state system of public education may be constantly improved.

(23) Assume such other responsibilities and exercise such other powers and perform such other duties as assigned to it by law or as it may find necessary to aid in carrying out purposes and objectives of school code.

FLORIDA

References are to Title XV of the Florida Statutes, as compiled in the State Department of Education pamphlet Florida School Laws, 1961 Edition, Chapters 228-237, unless otherwise stated.

State Superintendent*

Section 229.15 provides that the state superintendent of public instruction shall be secretary and executive of the state board of education.

Section 229.16 General powers ofstate superintendent /Condensed/:

(1) Exercise general supervision over state system of public education in order to promote progress, to determine problems and needs, and to recommend improvements.

(2) Advise and counsel with state board on all matters pertaining to education; recommend to state board for approval such matters and policies as, in his opinion, should be acted upon or adopted; execute all measures and policies approved.

(3) Recommend and supervise executionof rules and regulations which will contribute to the more orderly operation of any aspect of public education.

(4) Recommend and put into effect minimum standards, organized by subjects, relating to the operation of any phase of the state system as, in his opinion, will aid in assuring more adequate educational opportunities for all.

(8) Authorize publications considered advisable and desirable to promote public education in the state.

Section 229.17 Duties and responsibilities of state superintendent:

(1) Attend all meetingsof state board and submit recommendations and information, to advise and counsel state board.

(4) Apportion all state school funds to credit of county general school funds of respective counties in accordance with law and regulations.

(8) Prepare biennially estimates of expenditure requirements and submit such budget to state board prior to meeting of state legislature.

(10) Recommend ways and means of cooperating with federal government and recommend policies for administering funds which may be appropriated by congress.

(11) Recommend policies and ways and means of cooperating with other agencies where cooperation is required or deemed desirable in planning and bringing about improvements in the educational program.

*/Although HEW publication OE-23008 states the superintendent of public instruction is elected, the pertinent citation could not be found in the school laws. Presumably, it is in some other section of the statutes./

FLORIDA

References are to Title XV of the Florida Statutes, as compiled in the State Department of Education pamphlet Florida School Laws, 1961 Edition, Chapters 228-237, unless otherwise stated.

(20) Prepare, organize and recommend to state board minimum standards and rules and regulations and execute standards adopted by state board relating to: (1) establishment and operation of schools, agencies, services, and institutions; (4) courses of study and instructional aids.

(21) Assemble data relative to preparation of long-time program, consult with educational and lay leaders and state board.

(22) Conduct special studies and surveys in cooperation with county boards or with other school officials as a basis for bringing about improvements in the educational program.

(23) Recommend changes and improvements in school code and submit same to the legislature.

(27) Arrange for preparation of publications.

(28) Assume such other responsibilities and duties as assigned by law or deemed necessary to aid in more efficient operation of the state system of public education in carrying out the purposes and objectives of the school code.

State department of education

Section 229.18 provides that the state department of education shall act as an administrative and supervisory agency under the direction of the state superintendent. "The state superintendent and his staff shall comprise the state department."

Section 229.19 provides that the state department of education shall be located in the offices of the state superintendent and shall be under his direction and control to assist in providing professional leadership and guidance and in carrying out procedures authorized by law, the state board, or found necessary by the state superintendent.

FLORIDA

References are to Title XV of the Florida Statutes, as compiled in the State Department of education pamphlet Florida School Laws, 1961 Edition, Chapters 228-237, unless otherwise stated.

COUNTY LEVEL

In general: Section 230.01 states that each county shall constitute a unit for the control, organization, and administration ofschools. Section 230.02 provides that a county school system shall include all public schools, classes and courses of instruction and services and activities directly related to education in that county which are under the direction of the county school officials. All acts of countys chool officials are to be in harmony with state laws and regulations, but county school officials have authority to provide additional educational opportunities authorized but not required by law (Sec. 230.03)

County Board

Section 230.03 provides that the county board shall have responsibility for the organization and control of the public schools of the county. The board shall consist of five members (Sec. 230.04) elected by county-wide vote (Sec. 230.10). Each county board is to constitute a corporation(230.21).

Section 230.22 - General powers - after considering recommendations of county superintendent

(1) Determine policies.

(2) Adopt rules and regulations.

(3) Prescribe minimum standards.

(4) Contract, sue andbe sued.

(5) Perform duties and exercise responsibilities assigned to it by law or regulations of the state board and other activities it may find necessary for improvement of the county school system in carrying out the purposes and objectives of the school code.

Section 230.23 - Specific powers and duties [condensed - and those functions not deemed pertinent to this study eliminated]

(2) Control property, receive, hold in trust and administer property, money, etc., given to the schools of the county.

(3) Adopt school program and make surveys for annual and long-range planning.

(4) Adopt and provide for the execution of plans for the establishment, organization, and operation of the schools of the county.

(5) Act upon recommendations of county superintendent for positions to be filled and for minimum qualifications.

FLORIDA

References are to Title XV of the Florida Statutes, as compiled in the State Department of Education pamphlet Florida School Laws, 1961 Edition, Chapters 228-237, unless otherwise stated.

(7) Adopt courses of study in conformity with minimum courses of study prescribed by state board. Requisition and distribute textbooks furnished by the state, "provide such other teachingaccessories and aids as are needed to carry out the program," establish school libraries.

(10) Adopt resolution suggestingtax levy, keep account of school funds, borrow money, contract for materials, suppliesand services.

County superintendent

Section 230.24 provides the county superintendent shall be elected for a term of four years. He is to bethe secretay and executive officer of the county board (230.31).

Section 230.32 - General powers of county superintendent

(1) Exercise general oversight over county school system to determine needs and recommend improvements.

(2) Advise, counsel and recommend to county board on all educational matters.

(3) Recommend policies to county board, and (4) rules and regulations and execute same when adopted by county board.

Section 230.33 - Specific duties and responsibilities (where pertinent)

(5) Supervise assembling of data and surveys relating to annual and long-time program and recommend such program to county board.

(6) Recommend minimum qualifications for personnel and to county board. Direct work of employees and supervise instruction.

(9) Recommend plens for improving and caring for textbooks and other instructional aids, including courses and study and establishment of libraries.

(12) Recommend financial measures to the county board to assure adequate educational facilities. Prepare annual school budget, recommend tax levies, recommend borrowing of money, recommend to county board terms and specifications for contracts for supplies and services.

14) Prepare for the approval ofthe county board reports for state superintendent.

(18) Visit schools and give suggestions for improvement.

(19) Call and conduct institutes and conferences and (20) attend conferences for superintendents.

FLORIDA

References are to Title XV of the Florida Statutes, as compiled in the State Department of Education pamphlet Florida School Laws, 1961 Edition, Chapters 228-237, unless otherwise stated.

Trustees

Three members of a school district are elected biennially for a two-year term to act as trustees (Sec.230.37). Section 230.42 provides that the powers of the trustees shall be supervisory and not administrative or controlling powers. They shall consult with patrons, teachers, and principals and advise with county school officials - but all in an advisory capacity. Specifically (Sec. 230.43), consider recommendations of county superintendent regarding nominations of xx principals and other members ofthe instructional staff; supervise buildingsand equipment, etc.

FLORIDA

References are to Title XV of the Florida Statutes, as compiled in the State Department of Education pamphlet Florida School Laws, 1961 Edition, Chapters 228-237, unless otherwise stated.

1. Audio-visual aid legislation and regulations (This chapter in the code is not found in the above reference, but is Chapter 246 of Florida Statutes Annotated (1961), cited F.S.A. § - .)

Section 246.02: "The purpose of this law [Laws 1957, c.57-312, § 2] is to provide through educational television a means of extending the powers of teaching in public education and ofraising livingand educational standards of the citizens and residents of the state."

Section 246.03 establishes the Florida educational television commission to consist of seven members, appointed by the governor, including one member from the office of state superintendent (to represent junior colleges), one from the board of control, one county superintendent, and four members from the public at large.

Section 246.05 provides that the commission isto operate under the control and supervision of the board of education.

Section 246.06 provides that the commission shall be a body corporate, may contract, sue and be sued, make seek and receive donations and bequests.

Section 246.08 provides that the commission is authorized and empowered to establish a television network connecting such communities or stations as may be designated by the state board of education. It is to be utilized primarily for instruction of students at junior colleges and existing and future colleges and state universities.

Section 246.09: "The commissionisauthorized to encourage:

"(1) The activation of unused reserved educational television channels;

"(2) The extension of educational television network facilities;

"(3) The coordination of Florida's educational television system with those of other states; and

"(4) The further development of educational television within the state."

Section 246.10: "The commission isauthorized to act as advisor and consultant to educational television stations and programs whether supported by state, county, city, or private funds."

Section 246.11 provides that the commission is to cooperate with and assist all local and state educational agencies in making surveys pertaining to the use of educational television.

Section 246.12 requires the commissionto make annual reports of receipts and expenditures. Donations are to be paid into the state treasury and re-appropriated for the use of the commission.

Section 246.14 provides that the provisions of this chapter shall be liberally construed "in order to effectively carry out the provisions of this chapter inthe interest of public education."

FLORIDA

References are to Title XV of the Florida Statutes, as compiled in the State Department of Educationpamphlet Florida School Laws, 1961 Edition, Chapters 228-237, unless otherwise stated.

2. Planning the use of AV aids

Section 230.23 (3) requires the county board to authorize the assembling of data and the making of school surveys essential to the development of a school program for the entire county and to adopt such a program asthe basis for operating the schools, both on an annual basis and a long-time planning basis. In the same section,subsection (7)(c), the county board is authorized to provide such other /than books/ teaching accessories and aids as are needed to carry out the program.

Section 230.33 places in the hands of the county superintendent the duty to supervise the assembling of data and sponsor studdes and surveys essential to the development of a planned school program for the entire county. It is to prepare and recommend such a program to the county board as the basis for operating the county school system. In the same section, subsection (9,(c), the county superintendent is to recommend plans for providing and facilitate the provision and proper use of such other teachingaccessories and aids as are needed.

/The authority is clearly spelled out here for the county superintendent to recommend and the county board to decide in planning the use of AV aids./

That "teaching accessories and aids" means AV aids is evident from the many state department of education publications on the subject. "The Materials Center, Bulletin No. 22B 22C" put out by the state department of education quotes from an earlier publication the following: "Any good teacher is handicapped without numerous materials and aids in addition to textbooks and books ordinarily foundin libraries ... The importance of other 'instructional materials' is recognized in the law, which makes it the duty of the county superintendent to recommend plans for providing and to facilitate the provision and proper use of such teaching accessories and aids as are needed."

The state board (Section 229.07) is to determine and adopt policies for the more efficient operation of any phase of public education. The state superintendent (Section 229.16) is to recommend improvements and advise the state board on all matters pertaining to education, also to recommend minimum standards and rulesand regulations relating to instructional aids. He is also to conduct special studiesand surveys in cooperation with county boards or other school officials in bringing about improvements in the educational program.

Section 246.11, F.S.A., provides that the Florida educational television commission is to cooperate with and assist all local and state educational agencies in making surveys pertaining to the use of educational television.

FLORIDA

References are to Title XV ofthe Florida Statutes, as compiled in the State Department of Education pamphlet Florida School Laws, 1961 Edition, Chapters 228-237, unless otherwise stated.

3. Preparing curricula

Section 230.33~~(5)~~(9)(a) provides that the county superintendent is to "Prepare and recommend for adoption, after consultation with teachers and and principals and after considering any suggestions which may have been submitted by trustees or patrons of the schools, courses of study for use in the schools of the county needed to supplement those prescribed by the state board.

As provided by Section 230.23(7)(a), the county board is to adopt "courses of study for use in the schools of the county; provided, that such courses shall comprise materials needed to supplement minimum courses of study prescribed by the state board for all schools."

Section 233.01 provides that the state superintendent shall recommend and the state board appoint a continuing committee on courses of study. In Section 233.03, the courses of study committee is to examine courses of study now used with a view to utilization of the best ideas thus obtained in revising from time to time courses of study for the Florida schools and is to recommend to the state superintendentpossible changes of study or curricula (a yearly report to be made).

Section 233.04 provides that the state superintendent is to consider the courses of study report and recommend changes to the state board. In Section 233.05, it is provided that the state board makes final decisions ~~dxxxx~~ as to what changes shall be made.

FLORIDA

References are to Title XV of the Florida Statutes, as compiled in the State Department of Education pamphlet Florida School Laws, 1961 edition, Chapters 228-237, unless otherwise stated.

4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

Section 231.13 provides that the state superintendent may call conferences of personnel ofthe public schools on matters relating solely to education. Section 231.09 provides that members of the instructional staff ofthe public schools, subject to the rules and regulations ofthe state board and of the county board, shall attendsuch conferences relating to education as may be required by law, by the state superintendent, or by the county superintendent.

In Section 230.33(19), the county superintendent is also authorized to call and conduct institutes and conferences with supervisors, principals, teachers, etc.

Section 233.12 provides that the special committees appointed by the state superintendent from time to time to study and evaluate instructional materials /see Topic 7, Selecting AV aids/ shall render reports oftheir investigationsto the state superintendent, and on the basis of said reports the state superintendent is to publish lists of approved instructional materials for which purposes expenditures by county boards shall be considered legitimate.

In the pamphlet "The Materials Center, Bulletin No. 22C," published by the State Department of Education, at page 73, reference is made to cataloguing systems for audio-visual materials in much the same manner as books and other library items, and in subsequent pages of this pamphlet are lists of audio-visual materials, suppliers, etc.

/See further references under Topic 19, Library programs/

FLORIDA

Florida School Laws, 1961 Edition.

5. Organizing AV Units

Section 229.17, authorizing the state superintendent to organize and recommend to the state board standards and regulations relating to school services and courses of study and instructional aids, would seem to be sufficient authority for this purpose. The superintendent, by authority of the same section, carries out these standards if adopted by the state board (Section 229.07).

See also sections referred to under Topic 2, "Planning use of AV aids."

Section 246.09, F.S.A. (1961), authorizing the Florida educational television commission to encourage further development of educational television within the state, would also seem to be pertinent. Organizing AV units would be a means of achieving this end.

FLORIDA

(Florida School Laws, 1961 Edition.)

6. Conferring on AV use outside of state educational structure

The following sections would seem to be rel evant:

Section 246.09, F.S.A., 1961 provides the Florida educational television commission is to encourage the coordination of Florida's educational television system with those of other states and to encourage the further development of educational television within the state.

Section 246.10, F.S.A., 1961 provides the commission is to act as advisor and consultant to educational television stations and programs whether supported by state, county, city, or private funds.

Section 229.08 provides that the state board is to cooperate with other agencies, federal, state, county, and municipal, in development of regulations and enforcement of laws for the improvement of conditions relating to the welfare of the schools.

Section 229.17 provides that the state superintendent is to recommend policies and ways and means of cooperating with other agencies in planning and bringing about improvements in educational program.

Section 246.11, F.S.A., 1961, provides that the Florida educational television commission is to cooperate with and assist all local and state educational agencies in making surveys pertaining to the use and economics of educational television in schools, colleges, and the field of adult education and, also, is to assist all public agencies in planning of programs.

FLORIDA

References are to Title XV ofthe Florida Statutes, as compiled in the State Department of Education pamphlet Florida School Laws, 1961 Edition, Chapters 228-237, unless otherwise stated.

7. Selecting AV aids

Section 230.33(9)(c) provides that the county superintendent is to recommend plans for providing and facilitate the provision and proper use of such other teaching accesseries and aids as are needed.

Section 230.23(7)(c) provides that the county board is to provide such other teaching accessories and aidsasare needed to carry out its program.

Section 233.08(5)(d) provides that the courses of study committee is to report to the state superintendent its recommendations asto instructional aids and materials which would be of assistance to teachers in carrying out the intent of the courses of study.

Section 233.12 provides that the state superintendent may appoint from time to time special committees on elementary or high school levels of three persons to be approved by the state board to study and evaluate instructional materials and aids available in the various fields as supplementary material.

FLORIDA

References are to Title XV of the Florida Statutes, as compiled in the State Department of Education pamphlet Florida School Laws, 1961 Edition, Chapters 228-237, unless otherwise stated.

8. Selecting textbooks

Section 233.07 provides that the state board of education shall, each year, upon recommendation of the statesuperintendent, appoint textbook committees. The duties of each state textbook committee include evaluating, and adoptingrules for evaluating, textbooks submitted by publishers for adoption (Section 233.09)and submitting a report to the state board for transmission to the state textbook purchasing board.

Section 233.13 provides that the ~~x~~ state is to furnish all textbooks adopted for use in the public schools. The board of commissioners of state institutions of the state shall constitute the state textbook purchasing board, and in all matters relating to adoption or purchase of textbooks, the state superintendent sh ll act as secretary and executive officer of the state textbook purchasing board.

Section 233.14 provides for bids or proposals. Section 233.16: "... When all bids or proposals have been carefully considered, the state textbook purchasing board shall, fromthe list of suitable, usable, and desirable books reported by the state textbook committee, select ... textbooks for each grade ..."

Section 233.33 provides that it is unlawful to use in the public schools of the state, to the exclusion ofa book adopted for the same subject, any book not on the adopted list.

Section 233.08 provides that the courses of study committee is to report to the state superintendent its recommendations as to the need for change of any textbook being furnished by the state.

Section 233.04 provides that the state superintendent shall make recommendations to the state board as to textbook changes he considers desirable.

The county superintendent, in Section 230.33(9)(b), also has authority to recommend such addtional textbooks as may be needed. The county board, in Section 230.23(7)(b), merely hasauthority to ~~xxquiii~~ requisition and provide the textbooks furnished by the state.

FLORIDA

(Florida School Laws, 1961 Edition.)

9. Acquiring AV aids, school supplies, equipment and textbooks.

The following sections seem to be relevant:

Section 233.12, providing county boards are to purchase instructional aids from approved list published by state superintendent (based on report of an evaluating committee).

Sections 233.14 and 233.15 relating to bid procedures.

Section 233.16(1), authorizing state textbook purchasing board to consider the bids and proposals and select books bid upon (from list of state textbook committee).

Section 233.16(2), requiring contracts to be executed by governor and secretary of state.

Section 233.22, authorizing the state superintendent to order books sent to county superintendent, upon receipt of requisition from county superintendent.

FLORIDA

(Florida School Laws, 1961 Edition.)

10. Financing acquisition of supplies and equipment

Section 236.14 provides that the state textbook fund shall be comprised of the funds set aside or appropriated by the legislature for the purchase of textbooks and for other related instructional purposes for the children in the public schools in the state. This provision for state-supplied funds would seem to be all-inclusive and cover AV instructional aids, as well, although not specifically spelled out in the law.

If AV aids are not included within state-supplied funds, the following provisions relating to financing in general would appear to provide authority for financing acquisition of these educational aids, along with the general school program:

Section 236.01 and Section 236.02 - These sections set up state minimum foundation program fund to be used to assist county boards in maintaining the minimum foundation program for all schools in the county as prescribed by law and provide for county participation in the fund.

Section 236.13 - Foundation program fund apportioned to credit of any county is to constitute a part of the county general school fund of that county to be budgeted and expended under authority of the county board subject to the law and regulations of the state board.

Section 236.24 - Describes county current school fund and its derivation, including funds derived from county school tax.

Section 236.25 - Sets up and fi defines limits of county school tax. Section 236.32 sets up procedure for holding elections for trustees and special school taxes.

Section 236.34 - County superintendent, under direction of county board is to keep record of district current school funds and expenditures.

Section 236.58 - County superintendent to calculate cost of maintaining schools for established term and county superintendent board is to determine the amount that will need to be raised from district taxes throughout the county, in addition to the amount that will be available from state funds and from county current school funds. County board determines the minimum district tax levy necessary to provide the tax income needed to make possible the minimum term and program.

Section 237.02 - County board to app rove plan for making purchases. County superintendent may be authorized to make purchases of small items. Purchases of any item costing more than $300 must first be specifically authorized by county board. County superintendent must propose standards and specifications for materials to be p urchased. Bids to be secured for purchases over $300.

FLORIDA

(Florida School Laws, 1961 Edition.)

Expenditures from district current school funds to be made by authority of county board. Requisitions for exp enditures against these funds to be filed by the supervising principal and may be approved by county superintendent.

Section 237.06 - Annual budget to be prepared by county board and submitted to state superintendent.

Section 237.09 - County superintendent to prepare the tentative budget each year, after consulting with school p rincipals, including estimate of cost of school p rogram, income to be available and tax levies needed. Tentative budget to be submitted to trustees by county superintendent for review before it is submitted to the county board.

Section 237.11 county board to approve budget.

Section 237.12 - provision for public hearings to be held on the tentatively approved budget.

Section 237.14 - State superintendent to examine budget and (237.16) recommend changes. State superintendent certifies when budget becomes finally official (Sec. 237.17).

Section 237.26 - Current loans authorized when funds on hand insufficient to p ay obligations created by county board in accordance with an approved budget.

FLORIDA

(Florida School Laws, 1961 Edition.)

11. Regulating use of AV aids and keeping statistics on use and using personnel.

The following general authorities would seem to be relevant:

Section 230.32 and Section 230.33 - setting up the powers and duties of county superintendent. He is to recommend means of improving and maintaining the school p rogram, prepare reports, visit schools, etc.

Section 230.23 - County board to control school property, make surveys, execute plans, act upon recommendations of county superintendent on positions to be filled, adopt school program, provide teaching accessories and aids, etc..

Section 229.16 - State superintendent to exercise general sup ervision over state system, authorize publications.
State board

Section 229.08 -/to adopt programs recommended by state superintendent, require reports and (Sec. 229.07) adopt standards for any phase of education considered necessary.

FLORIDA

(Florida School Laws, 1961 Edition.)

12. Distributing AV aids

Section 233.43 gives the county superintendent responsibility for requisitioning and distributing textbooks and Section 233.46 gives principals and teachers responsibility for preparing requisitions fortextbook needs of individual schools and distributing books received from the county superintendent. In the same chapter, Sections 233.02 and 233.12, miscellaneous instructional aids are referred to along with textbooks, and it is logical to assume distribution of these items (including AV equipment) would be along the same lines as prescribed for textbooks and that the same authorities would apply.

FLORIDA

(Florida School Laws, 1961 Edition.)

13. Producing AV aids

Section 246.08 (F.S.A., 1961) p rovides the Florida educational television commission is to establish a television network for educational purposes and may direct and authorize origination and transmission of programs over such network.

> /A note following this section states that the Florida educational television commission, with approval of state board of education may spend funds appropriated to its use to assist in construction of television studio and broadcasting facilities at Florida state university. 1958 Op.Atty.Gen. 058-148, April 28, 1958./

Section 246.11 (F.S.A., 1951) provides that the commission may assist public agencies in the planning of educational programs.

FLORIDA

(Florida School Laws, 1961 Edition.)

14. Certificating teachers

The following sections are pertinent:

Section 231.11 - State board shall prescribe minimum standards and curricula for education of personnel engaged in public school work in the state. State board has authority to approve institutions, both within and without the state, for the purpose of certificating administrative and instructional personnel for the public schools.

Section 231.14 - Certificate required.

Section 231.16 - Types, classes and ranks of certificates to be issued - teacher examinations.

Section 231.17 - State superintendent may issue certificate on application to person possessing the proper qualifications.

Section 231.10 - sets up Florida teacher education advisory council to aid in developing desirable standards and to assist in the improvement of teacher, administrator and supervisor education.

FLORIDA

(Florida School Laws, 1961 Edition.)

15. Prescribing qualifications of using personnel

Section 231.04 is pertinent. It provides that the county board of any county may, in addition to and not inconsistent with qualifications prescribed by law or by regulations of state board, prescribe those qualifications for any or all positions which, in the opinion of the county board, will best promote progress in the public school system.

Section 231.11 is applicable. It provides that the state board shall prescribe minimum standards including minimum curricula for education of personnel engaged in public school work in the state.

FLORIDA

(Florida School Laws, 1961 Edition.)

16. Accrediting schools

Section 230.23 app ears pertinent. Subsection (4)(e) provides that the county board is to approve standards and regulations for classifying and standardizing the various schools of the county.

Section 228.19 may be in point. It provides that the state board may, at the request of the board of commissioners of state institutions, advise as to standards and requirements relating to education to be met in all state schools or institutions.

Section 230.33(6)(d) - County superintendent is to recommend bases for classifying and standardizing the various schools of the county.

Section 229.07(3) - Whenever establishment of minimum standards will aid in providing adequate educational opportunities and facilities, the state board shall adopt such minimum standards for any phase of education as are considered necessary in carrying out the provisions of the school code.

Section 229.16(4) - State superintendent is to submit to state board for adoption, from time to time, such minimum standards as, in his opinion, will aid in assuring more adequate educational opportunities for all and see that minimum standards adopted by state board are put into effect and properly observed.

Section 229.17(24) - State superintendent to examine and classify or accredit schools or services on basis of standards and regulations prescribed by state board.

17. Building or remodeling schools to facilitate AV use

Sec 235.18 establishes a capital outlay program and budget. This program designates and locates capital outlay projects for the year, including new buildings, alterations, additions. Approval by the state superintendent is required of this program.

Sec 235.24. Any building constructed for public school purposes must meet minimum standards prescribed by law, rules and regulations of the state board of education.

Under Sec 235.25, any plans calling for an expenditure over $1500, must have approval of the state superintendent.

Sec 235.26 sets forth minimum standards for school building construction:

> "(15) Other instructional rooms.-- Provisionx shall be made for such other instructional rooms asare necessary to meet the needs of the educational program of the school."

Sec 235.27 reiterates the fact that approval is required for "educational and functional planning" with respect to building schools.

FLORIDA

(Florida School Laws, 1961 Editi on.)

17. Federal aid to schools

The following sections are pertinent:

Section 229.07(10) - State board to approve plans for cooperating with federal government in carrying out any or all phases of the educational program in which it may find cooperation to be desirabl e and to provide for proper administration of funds which may be appropriated by congress and apportioned to the state for any or all educational purposes.

Section 229.082 - State board is authorized, in its discretion, to accept the provision of any act of congress appropriating and apportioning funds to the state for use in connection with any phase of the state system of public education.

Section 229.17 - State superintendent is to recommend ways of cooperating with k federal government and recommend policies for administering federally appropriated funds.

19. State aid to schools

Sec 236.01 states:

"There is hereby established, as part of the county school fund authorized by Sec 9 of Art XII of the constitution of the state, a state minimum foundation program fund for schools, to be known as the Foundation Program Fund, which shall be used to assist county boards in maintaining minimum foundation program for all schools in the county as prescribed by law and in otherwise providing substantially equal public educational opportunities. This fund shall comprise all appropriations made by the legislature to the credit of the foundation program fund and shall be apportioned and distributed to the county school fund of the several counties of the state based upon ~~part~~ principles of classification, and procedures declared by law. The minimum foundation program is the school program to be financed in each county with the assistance of the foundation program fund ashereinafter provided."

Sec 236.02 provides for requirements for participating inthe foundation program fund.

Sec 236.07 sets forth the procedure for determining the annual ~~approp~~ apportionment to each county. Basically, it is the cost of the program for the county less what the the county must raise as a minimum.

Sec 236.074 creates a county school additionalc apital outlay trust fund (in the office of the state treasurer). $13,750,000 is appropriated to it annually. The county board must also create a school construction fund. The amount placed in the fund is equal to the amount it seeks. This is used solely for school construction approved by the state board of education.

Sec 236.075 establishes the county school sales tax fund. Funds are contributed by the state

Sec 236.13 governs the expenditure of foundtaion program funds appertioned to the credit of any county. Basically, that budgeted and expended under authority of county board subject to provisions of laws and regulations of state board of education.

Sec 236.14 sets up the state textbook fund (see old 10). The sale of textbooks is authorized. See also Sec 229.17(4) that it is the duty of the state superintendent to apportion state school funds.

FLORIDA

(Florida School Laws, 1961 Edition.)

18. Private aid to schools

Section 229.24 - provides state board has authority to accep t, on behalf of the state system of public education or of any school fund, any gift or bequest and state treasurer is to be custodian of all such gifts and bequests of money.

Section 230.23(2) - provides county board is to receive, hold in trust, and administer for the purpose designated, money, real and personal property, or other things of value granted, conveyed, or bequeathed for benefit of the schools of the county or any one of them.

Section 236.28 - any funds received for reimbursement of expenses incurred by the county current school fund for vocational education, funds from fees, gifts, donations, funds from philanthropic agencies, or any other funds whatever from sources which properly belong to the county currect school fund shall be deposited to the credit of and become a part of that fund.

FLORIDA

(Florida School Laws, 1961 Edition.)

19. Library programs

The following sections are pertinent:

Section 230.33(9)(d) - County superintendent is to recommend plans for establishing and maintaining school libraries and circulating libraries.

Section 230.23(7)(d) - County board to establish and maintain school libraries and traveling or circulating libraries.

Section 235.26(14) - In every elementary or high school there shall be provision for minimum library facilities to meet regulations that may from time to time be adopted by the state board.

Section 233.29 - authorizes county boards to establish and maintain libraries and library services and to establish and maintain mobile circulating libraries when necessary or desirable.

Section 233.31 - establishes school library personnel as part of the instructional staff.

/The pamphlet "The Materials Center, Bulletin No. 22C" published by the State Department of Education stresses the importance of libraries as repository for ~~xdm~~ AV materials, filmstrips, etc., using a card catalogue system for these materials similar to that ~~x~~ used forbooks./

FLORIDA

(Florida School Laws, 1961 Edition.)

20. Research programs

The following provisions appear relevant:

Section 230.23(3) - County board is to authorize assembling of data and making of school surveys essential to development of school program forthe county.

Section 230.33(19) - County superintendent is to call and conduct institutes and conferences with supervisors, principals, teachers, etc., and to organize and direct study and extension courses for teachers, and (Sec. 230.33(20)) to attend conferences called by state superintendent.

Section 230.42 - Trustees to consult with teachers, principals, etc., in order to determine the progress and needs of the schools.

Section 246.11 - Florida educational television commission is to cooperate with and assist all local and state educational agencies in making surveys pertaining to the use and economics of educational television.

(22)
Section 229.17/- State superintendent is to conduct in cooperation with county boards or with other school officials any special studies or surveys which he may consider desirable as a basis for bringing about improvements in the educational program.

State: Florida

Source of information unless otherwise stated: Florida School Laws, 1961 Edition

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

Sec. 246.02: "The purpose of this law is to provide through educational television a means of extending the powers of teaching in public education and of raising living and educational standards of the citizens and residents of the state."

Sec. 246.03 establishes the Florida educational television commission to consist of seven members, appointed by the governor, including one member from the office of state superintendent (to represent junior colleges), one from the board of control, one county superintendent, and four members from the public at large.

Sec. 246.05 provides that the commission is to operate under the control and supervision of the board of education.

Sec. 246.06 provides that the commission shall be a body corporate, may contract, sue and be sued, make, seek and receive donations and bequests.

Sec. 246.08 provides that the commission is authorized and empowered to establish a television network connecting such communities or stations as may be designated by the state board of education. It is to be utilized primarily for instruction of students at junior colleges and existing and future colleges and state universities.

Sec. 246.09: "The commission is authorized to encourage:

(1) The activation of unused reserved educational television channels;
(2) The extension of educational television network facilities;
(3) The coordination of Florida's educational television system with those of other states; and
(4) The further development of educational television within the state."

State: Florida

PART III - continued (2)

Sec. 246.10: "The commission is authorized to act as advisor and consultant to educational television stations and programs whether supported by state, county, city, or private funds."

Sec. 246.11: provides that the commission is to cooperate with and assist all local and state educational agencies in making surveys pertaining to the use of educational television.

Sec. 246.12 requires the commission to make annual reports of receipts and expenditures. Donations are to be paid into the state treasury and re-appropriated for the use of the commission.

Sec. 246.14 provides that the provisions of this chapter shall be liberally construed "in order to effectively carry out the provisions of this chapter in the interest of public education."

State: Florida

Source of information unless otherwise stated: Florida School Laws, 1961 Edition

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject. Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes 2. Planning the use of AV aids

(a) Sec. 246.11
(b) Secs. 230.23(3), 230.33, 229.07, 229.16

Yes 3. Preparing curricula

(a) Secs. 230.33(9)(a), 230.23(7)(a), 233.01, 233.03, 233,04, 233.05

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

(b) Secs. 231.13, 231.09, 230.33(19), 233.12

Yes 5. Organizing AV units and cooperative activities

(b) Secs. 299.17, 299.07, 246.09

Yes 6. Conferring on AV use outside of State educational structure

(a) Secs. 246.09, 246.10
(b) Secs. 229.08, 229.17, 246.11

State: Florida

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)

(b) Secs. 230.33(9)(c), 230.23(7)(c), 233.03(5)(d), 233.12

Yes 8. Selecting textbooks (and observing academic freedom)

(a) Secs. 233.07, 233.09, 233.13, 233.14, 233.16, 233.33, 233.03, 233.04, 230.33(9)(b), 230.23(7)(b)

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

(a) Secs. 233.12, 233.14, 233.15, 233.16(1), 233.16(2), 233.22

Yes 10. Financing acquisition by rent or purchase

Secs. 236.14, 235.04

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel

(b) Secs. 230.32, 230.33, 230.23, 229.16, 229.07, 229.08

Yes 12. Distributing AV aids

(b) Secs. 233.43, 233.46, 233.02, 233.12

Yes 13. Producing AV aids

(a) Secs. 246.08, 246.11

Yes 14. Certificating teachers and AV professionals

(a) Secs. 231.11, 231.14, 231.16, 231.17, 231.10

Yes 15. Prescribing qualifications of using personnel

(a) Secs. 231.04, 233.11

State: Florida

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

(a) Secs. 230.23(4)(e), 229.19, 230.33(6)(d), 229.07(3), 229.16(4), 229.17(24)

Yes 17. Building or remodeling schools to facilitate AV use

Secs. 235.18, 235.24, 235.25, 235.26, 235.27

Yes 18. Federal aid to schools

(a) Secs. 229.07(10), 229.082, 229.17

Yes 19. State aid to schools

Secs. 236.01, 236.02, 236.07, 236.074, 236.075, 236.13, 236.14

Yes 20. Private aid to schools

(a) Secs. 229.24, 230.23(2), 236.28

Yes 21. Library programs

(a) Secs. 230.22(9)(d), 230.23(7)(d), 235.26(14), 233.29, 233.31

Yes 22. Research programs

(a),Secs. 230.23(3), 246.11, 229.17(22)
(b) Secs. 230.33(19), 230.42

Yes 23. Institutes

(a) Sec. 230.33(19)

____ 24. Other established procedures

GEORGIA (1959-60)

Enrollment in full-time public schools:

Elementary	748,166
High School	200,933
Number of school districts (including non-operating)	197
Number of elementary schools	1,682
Number of high schools (including junior high)	598
Expenditure per pupil in average daily attendance	$253

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960. OE-20006-60, pp. 6-7, 9, 11.

GEORGIA

County and Independent Superintendencies

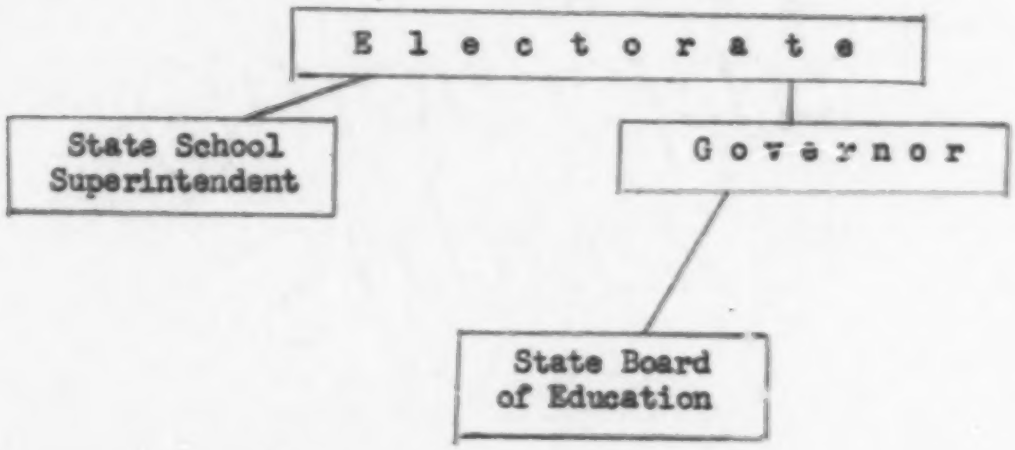
There are 198 school superintendencies in the State: 124 complete county-unit superintendencies, 35 partial county-unit superintendencies, and 39 independent city, or town superintendencies located within the 35 partial county-unit counties.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-1961, Part 2, OE-20005-61, p. 40.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 63-65.

G E O R G I A

1. State Educational Structure Chart (relating only to elementary & secondary public schools)



2. State Education Boards

a. Schools...

State Board of Education.--Composed of 10 members, 1 from each congressional district of the State appointed by the governor by and with the advice and consent of the senate for 7-year overlapping terms. Professional educators or persons connected with school book publishing concerns are not eligible for membership. The State school superintendent is executive officer of the State board....

b. Supplementary programs

State School Building Authority (administrative).--Composed of 7 members of whom the following 4 are ex officio: the chairman of the State board of education, the attorney general of the State of Georgia, the State auditor and the State superintendent of schools. The remaining 3 members are appointed by the governor for 4-year overlapping terms. The authority was established to finance, in whole or in part, construction of new buildings, facilities, and improvements for the public school system.

3. Chief State School Officer

The State school superintendent is elected by the people on a partisan ballot for a 4-year term. He must be a man of good moral character, at least 30 years of age, an individual of high educational standing with 3 years of practical experience as a teacher or a diploma from a reputable college or normal school or 5 years' experience in the actual supervision of schools. He is the administrative officer of the State department of education and enforces and administers the regulations adopted by the State board of education.

7. Coordination of the State Education System Through Structure

Two agencies, the superintendent of schools and the State board of education, share the primary responsibility for State supervision of the regular elementary and secondary education program a nd.....The State board makes rules and regulations necessary for the operation of the common schools and has general supervision of the State department of education. The State superintendent enforces all rules and regulations of the State board.

8. Coordination of the State Education System Through Ex Officio Memberships

The superintendent of schools serves ex officio on the State school building authority and the....

The attorney general and the State auditor serve ex officio on the State school building authority...

The chairman of the State board of education serves ex officio on the State school building authority.

9. Fiscal Coordination

Two educational agencies submit budgets to the governor who is ex officio the director of the budget. They are the State board of education .... The State auditor, who is elected by the general assembly, serves as the assistant director of the budget.

The budget officials (governor and State auditor) are actively assisted in the preparation of the State budget by a finance commission consisting of the governor, the president of the senate, the speaker of the house of representatives, the chairman of the appropriations committee of the senate, and the chairman of the appropriations committee of the house of representatives. The purpose of the finance commission is to see that all agencies of the State have a just hearing and an unbiased determination of appropriation needs before the preparation and submission of the budget bill to the general assembly and to insure that all agencies of the State may have an appeal from the action of the budget officials in the disapproval of a budget.

The budgets submitted by educational agencies are incorporated in the State budget by the budget officials and the finance commission. The State budget is presented to the legislature by the governor with his budget message which contains any explanations or comments that the governor may desire to make as to the important features of the budget.

State: Georgia

Source of information unless otherwise stated: Georgia School Laws, State Department of Education, 1958, and Georgia Constitution of 1945

PART I

Educational Organization

State level:

Department of Education: called State Department of Education

how organized: as determined by State Board of Education, Sec. 32-410

established by: Sec. 32-410

is it a body corporate: no

State Board of Education: called State Board of Education, Sec. 32-401

established by: Sec. 32-401

is it a body corporate: no

composition: 1 member from each congressional district of State, Sec. 32-401

how selected: appointed by Governor, Sec. 32-401

is confirmation necessary: Yes, by State Senate, Sec. 32-401

subject to what control: Governor, ibid., and legislature, Sec. 32-409

to whom reporting: same

term of office: 7 years, Sec. 32-402

Chief state school officer: called State Superintendent of Schools Sec. 32-501

office established by: Sec. 32-501

how selected: Elected by voters of State, Sec. 32-501

is confirmation necessary: no

subject to what control: electorate, ibid., and State Board, Sec. 32-505

to whom reporting: General Assembly, Sec. 32-508

term of office: Elected at the same time as Governor, Sec. 32-501

staff and who appoints: as determined and appointed by State Board on recommendation of State Supt. of Schools, Secs. 32-408 and 32-410

Other organization or official: called Georgia Commission on Education, Sec. 32-3101 (see next page)

State: Georgia

PART I - State Level (continued-2)

32-3101. The Georgia Commission on Education is hereby established. Said commission shall formulate a plan or plans of legislation, prepare drafts of suggested laws, and recommend courses of action for consideration by the General Assembly whereby the State may by taxation continue to provide adequate education for all its citizens consistent with the provisions of the Constitution of the United States and the Constitution of the State of Georgia.

32-3102. Said commission shall be composed of the Governor, Lieutenant-Governor, Speaker of the House of Representatives, State Auditor, the Attorney General, Chairman of the Board of Regents, Chairman of the State Board of Education, State School Superintendent, Chancellor of the University System of Georgia, Chairman of the Judicial Council; a representative from the Georgia Bar Association, and, representative of the State both geographically and in all segments of her economy, ten other citizens to be appointed by the Governor, one from each congressional district of the State.

32-3103. The Governor shall be chairman of said commission and shall designate another member of the commission as vice-chairman.....

32-3104. Said commission shall submit its findings and proposed plan of legislation with its accompanying draft of suggested laws and its comments thereon, to any extraordinary session of this General Assembly which may be hereafter held, and if no such session be held, then to the meeting of the General Assembly to convene on the second Monday in January, 1955.

32-3106. Said commission is directed to inquire into the educational structure of the State, and all pertinent provisions of the Constitution and statutes of the State, as well as the Constitution and laws of the United States; to receive suggestions and statements from interested persons; and to make such other investigation and inquiry as well in its judgment assist in the discharge of the duties confided to it. Said commission is authorized from time to time to print and distribute reports of its findings and recommendations.

32-3110. The duties and authority of said commission shall be continuing until terminated by law.

32-3111. Said commission is directed to submit to each session of the General Assembly hereafter held and until such time as said commission shall be terminated as provided in Section 32-3110, drafts of suggested laws with reference to education for the consideration of the General Assembly together with comments of the commission thereon: and the same shall be printed and distributed at each such session to the members of the General Assembly, and to the public and the press.

State: Georgia

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called county school district

how organized: county, exclusive of any independent school district within it, Sec. V, Georgia Constitution

composition: same

is it a body corporate: no, the school district is not

Board of education: called County Board of Education, Sec. 32-901

established by: Section V of Georgia Constitution

is it a body corporate: no. Parker v. Bd. of Education of Sumter County, 209 Ga. 5

composition: 5 members, Sec. V of Georgia Constitution

how selected: selected by Grand Jury of each county, ibid.

is confirmation necessary: no

subject to what control: not stated

to whom reporting: State Board of Education

term of office: 5 years, overlapping, ibid.

Administrative officer of unit: called County School Superintendent, Sec. VI, Georgia Constitution, also Sec. 32-1001

office established by: Sec. VI, Georgia Constitution, and Sec. 32-1001

how selected: elected by the people, Sec.VI, Georgia Constitution, and Sec. 32-1002

is confirmation necessary: no

subject to what control: electorate, ibid., and county board, Sec. 32-912

to whom reporting: State Superintendent of Schools and county board secretary, Sec. 32-1009, also Grand Jury, Sec. 32-1014

term of office: 4 years, Sec. VI, Georgia Constitution and Sec. 32-1002

staff and who appoints: employs office and clerical help, Sec. 32-1006

State: Georgia

PART I

Local level - County:

Local School Trustees

32-1104. The county board of education of each county, exclusive of those counties having local school systems created prior to the adoption of the Constitution of 1877, may within thirty days from the enactment of this law appoint not less than three nor more than five local school trustees for each school in the county. Each person so appointed shall be a freeholder and manifestly interested in education, and be a resident of the county where he is appointed. Each person so appointed shall have a term of four years, and should any vacancy occur due to death, resignation, change of residence from the county where appointed, or otherwise the county board of education shall, at its next regular meeting after such vacancy occurs, appoint a successor to fill said vacancy. The trustees so elected or appointed shall elect one of their members as chairman and another as secretary. All trustees shall serve without compensation; provided, nevertheless, the trustees of each School District as constituted prior to August 7, 1945, shall be the trustees of each school in said district until their respective terms expire. (Acts 1946, pp. 206, 209.)

32-1105. The duties of the school trustees appointed or elected by the county board of education, as aforesaid, shall be advisory in nature. They shall make recommendations to the county board of education as to budgets, employment of teachers and other authorized employees, and as to other matters relating to the school of which they are trustees. Such recommendations shall be merely advisory and the county board of education is not bound to observe or follow the same. They shall serve without compensation.....

State: Georgia

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called independent school district

how organized: Sec. VII, Georgia Constitution, from existing independent school systems, but no more to be formed.
composition: subordinate part of municipal corporation, ibid.

is it a body corporate: no, the municipal corporation is

Board of education: called City board of education

established by: City charters and ordinances, but referred to in Sec. 32-953 and elsewhere
is it a body corporate: no

composition: as determined by municipality

how selected: " " " "

is confirmation necessary: " "

subject to what control: as determined by municipality; also to State Board of Education, Sec. 32-408
to whom reporting: State Board of Education, Sec. 32-945 and State Supt. of Schools, Sec. 32-515
term of office: as determined by municipality

Administrative officer of unit: called Superintendent of independent school system
office established by: city charter and ordinances, but referred to in Sec. 32-2109 and elsewhere
how selected: as determined by municipality

is confirmation necessary: " " "

subject to what control: city board, no doubt, as determined by municipality
to whom reporting: same

term of office: same

staff and who appoints: as determined and appointed by City Board, on recommendation of City Supt., or by 3/4 vote of entire Board on its own recommendation, Sec. 32-604.

State: Georgia

PART I

Educational Organization (continued)

Schools

Principals

appointed by: Elected by board of education on recommendation of superintendent, or by 3/4 vote of entire board on its own recommendation, Sec. 32-604

qualifications: Must hold certificate, Sec. 32-605

term of office: not stated

Teachers

appointed by: Same as for principals, supra.

qualifications: must hold certificate, Sec. 32-605; also Sec. 32-408

certification: " " " , Sec. 32-605

tenure: not stated

special assignments: not stated

State: Georgia

Source of information unless otherwise stated: Ga. Code Ann., Title 32 (including 1961 Supplement Pocket Part)

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

The general provisions which might be interpreted to apply to AV material and programs is as follows:

32-408 Rules and regulations for supervision of schools; courses of study; curriculum revision; administration of school funds.— The State Board of Education shall provide rules and regulations prescribing a course of study for all common and high schools receiving State aid andmay, in their discretion, approve additional courses of study set up by the local units of administration; provide for curriculum revisions and for the classification and certification of teachers. They shall make such rules and regulations as may be necessary for the administration of the common school fund. They shall prepare and submit to the Governor and General Assembly of the State of Georgia an estimate of the funds necessary for the operation of the State~~of~~ Public School System. They shallhave general supervision of the State Department of Education and shall employ and dismiss, upon the recommendation of the State Superintendent of Schools, such clerical employees, supervisors, administrators, and other employees as may be necessary for the efficient operation of the State Department of Education. They shall set aside the necessary funds for the maintenance of the office of the State Department of Education and the State Superintendent of Schools *.**

32-419 Federal or other funds for schoolhouse construction; power of Board to receive and allot to school system.— The State Board of Education is hereby authorized and empowered to receive any Federal funds, or any other funds, made available to it for schoolhouse construction or improvement of the schools under its jurisdiction, and to allot said funds to the boards of education of county and independent school systems under such rules and regulations as may be adopted by the State Board of Education, subject to such limitations as may be imposed in the grant or appropriation of said funds.

32-624. Determination of funds needed for free textbooks, teaching materials etc.— The State Board of Education shall annually determine the funds neededto provide the public schools of the State with free textbooks, teaching materials and aids, and school library books and materials by multiplying the total number of persons enrolled in the public schools of the State by a sum to be determined by the State Board of Education. This sum shall be determined annually and shall be not less than $3 per person enrolled in the public schools of the State, provided adequate funds are appropriated by law.

32-625. [This provision is similar to 32-625, except it applies to providing public libraries with library materials and books and has a minimum amount of 16¢)

32-707. Board to prescribe textbooks for public schools. Multiple listings.— The State Board of Education is authorized and empowered to prescribe by regulation the textbooks to be used in the various grades inthe public schools of this State, including the elementary grades and high school grades. The Board may provide, by regulation, for multiple listings of books for use in the various grades, and may, in its discretion, authorize the county school superintendent or the superintendent of independent school systems, to exercise a choice as between books so listed or adopted for any particular grade.

32-909 School property and facilities.— The county boards of education shall have the power to purchase, lease, or rent school sites; build, repair or rent school houses, purchase maps, globes, and school furniture, and make all arrangements necessary to the efficient operation of the schools. The said boards are invested with the title, care and custody of all schoolhouses or other property, with power to control the same in such manner as they think will best serve the interests of the common schools; and when, in the opinion of the board, any schoolhouse site has become unnecessary or inconvenient, they may sell the same in the name of the county board of education; such conveyance tobe executed by the president or secretary of the board, according to the order of the board. They shall have the power to receive any gift, grant, donation or devise made for the use of the common schools within the respective counties, and all conveyances of real estate which may be made to said board shall vest the property in said board of education and their successors in office. In respect to the building of schoolhouses, the said board of education may provide for the same by a tax on all property located in the county and outside the territorial limits of any independent school system. The construction of all public school buildings must be approved by ~~his~~the superintendent and board of education and must be according to the plans furnished by the county school authorities and the State Board of Education.

32-1009 Duties.— The county superintendent of schools shall constitute the medium of communication between the State Superintendent of Schools and the subordinate school officers. He shall be the agent of the county board in procuring such school furniture, apparatus, and educational requisites as they may order, and shall see that none but the prescribed textbooks are used by the pupils; * * * It shall be his duty to enforce all regulations, rules, and instructions of the State Superintendent of Schools and of the county board of education according to the laws of the State and the rules and regulations made by the said board of education that are not in conflict with the State laws; and he shall, together with the State supervisors, superintend the county normals and institutes for the teachers of his county, * * *.

32-1127 Power to levy and collect taxes.** Power is hereby delegated to, and conferred upon the several counties to levy and collect taxes for educational purposes in such amounts as the county authorities shall determine, the same to be appropriated to the use of the county board of education and the educational workdirected by them.

32-1401 Powers of county boards of education with respct to building and equipping schoolhouses, preparing tax digest, etc. [although an impressive title, the section merely indicates that county boards have the rights, powers and duties formerly vested in the local or consolidated school districts with respect to the above].

(Bonds may be issued for the purpose of completing and equipping schoolhouses. 154 Ga 275, 114 S.E. 197).

Ch 32-14A establishes the State School Building Authority, but no particular provisions seem to apply in the AV aid area.

Duties

32-2605. [illegible]of State Board of Education relating to libraries; employment of staff; expenses.— The State Board of Education shall give aid, advice and counsel to alllibraries and communities which may propose to establish libraries as to the best means of establishing and administering them, the selection of books, cataloging and other details of library management, and shall exercise supervision over all public libraries, and shall endeavor to improve libraries already established. The State Board may als conduct a booklending and information service for the benefit of the citizens of the State, free of cost except postage. The Board is also authorized to purchase for such purposes, books, periodicals and other instructional materials. The Board may also employ the necessary professional and clerical staff upon the recommendation of the State Superintendent of Schools, to carry onthe work as herein stated, and pay ehri necessary traveling expenses while engaged in such work.

32-1109. Local tax election for municipalities. Any municipality authorized by law to establish and maintain a system of public schools by local taxation, in whole or in part, and which is not now specifically authorized to hold an election on the question of local taxation for school purposes, shall have the right to submit the question of local tax for public schools to the qualified voters of the municipality.....The returns of such election shall be made and the result declared, as prescribed for other elections in and for the municipality. Two-thirds of those voting shall be necessary to carry the election for local taxation. An election for the purpose herein named shall not be held oftener than once every 12 months.

State: Georgia

Source of information unless otherwise stated: Georgia School Laws, State Department of Education, 1958; Education in Georgia, 1955 through 1958

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

Sec. 32-909 reads in part as follows:

> "The county boards of education shall have power to .....purchase maps, globes, and school furniture, and make all arrangements necessary to the efficient operation of the schools..." (emphasis added)

Otherwise the Georgia School Laws, 1958, contain no specific references to audio-visual materials or to their use except "teaching materials and aids", which might be interpreted to include any such material. The following is quoted from Section 32-624 of the Georgia School Laws, 1958:

> "The State Board of Education shall annually determine the funds needed to provide the public schools of the State with free textbooks, teaching materials and aids....."

In the pamphlet entitled Education in Georgia, 1955 through 1958, the budget shows an allocation for audio-visual materials $190,000 for the school year 1954-55 and $250,000 in the school year of 1958-59.

Further on in this bulletin the following statements are made (p. 15):

> "Georgia's Department of Education now has the world's largest educational film library.....
>
> "The many potentialities of a new learning medium -- teaching by television -- are now being explored in Georgia."

State: Georgia

Source of information unless otherwise stated: Ga Code Ann., Title 32 (including 1961 cumulative part)

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject.
Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

No 2. Planning the use of AV aids

Yes 3. Preparing curricula
Only references are to the general power of State Board of Education over schools, see §32.408, discussed infra.

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available
Only general vague reference to making textbooks available. (This is mentioned here in view of the fact that Georgia appears to distribute AV aids under the Textbook laws according to information by letter from State of Georgia). See discussion infra on §32.707 and 32.624.

No 5. Organizing AV units and cooperative activities

No 6. Conferring on AV use outside of State educational structure

State: Georgia

PART IV (continued)

Yes or No

No 7. Selecting AV aids (and observing academic freedom)

Yes 8. Selecting textbooks (and observing academic freedom)
See item No. 4.

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks
Specific references relating to the power of the County Board of Education and the County Superintendent of School are contained in Secs. 32-909 and 32-1009, discussed infra.

No 10. Financing acquisition by rent or purchase

No 11. Regulating use of AV aids and keeping statistics on use and using personnel
Except insofar as general powers relating to the maintenance of schools might be in point.

No 12. Distributing AV aids

Yes 13. Producing AV aids
Broad provisions governing textbooks, seeg Sec 32-718, infra. An interesting section concerns the study of alcoholism refered to infra, Sec 32-434, 32-435.

Yes 14. Certificating teachers and AV professionals
Specific provisions governing the above are contained in Secs. 32.408 and 32.605.

No 15. Prescribing qualifications of using personnel

State: Georgia

PART IV (continued)

Yes or No

No 16. Accrediting schools

Yes 17. Building or remodeling schools to facilitate AV use

There are specific provisions concerning the building of schools but their application to AV aids is, at best, only indirect. See Secs. 32.420, 32.909 and 32.1401, discussed infra.

Yes 18. Federal aid to schools

Specific provisions exist with reference to the acceptance of federal funds, Secs. 32.413, 32.417, 32.419 and 32.2606, all discussed infra.

Yes 19. State aid to schools

There are specific provision with reference to state aid, 32.613, 32.616 and 32.624, discussed infra.

No 20. Private aid to schools

Except general provisions allowing the State Board to accept gifts of books for library program, see 32.2606. See Item 18.

Yes 21. Library programs

Specific provisions relating to the library program are contained in 32.2605, 32.2606 and 32.625, although no direct reference to AV ~~matters~~ materials appears to be present. See discussion infra.

Yes 22. Research programs

See discussion of specific provisions concerning alcoholism in item 13.

Yes 23. Institutes

A vauge reference is contained in 32-1009, discussed infra.

24. Other established procedures

3. Preparing curricular

§32.408 (quoted in full in part II and as changed in 1961) states, as far as relevant to curricula preparation, the following:

> "The State Board of Education shall provide rules and regulations prescribing a course of study for all common and high schools receiving State aid and may, in their discretion, approve additional courses of study set up by the local units of administration; provide for curriculum revisions and for the classification and certification of teachers. * * *"

Evidently, some power is in the local school units of administration to establish additional courses of study, although overall authority rests with the State Board of Edudation.

4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available.

Basically, Section 32-707 provides:

> "The State Board of Education is authorized and empowered to prescribe by regulation the textbooks to be used in the various grades in the public schools of this State, including the elementary grades and high school grades. The Board may provide, by regulation, for multiple listings of books for use in the various grades, and may, in its discretion, authorize the county school superintendent or the superintendent of independent school systems, to exercise a choice as between books so listed or adopted for any particular grade."

Of some interest is Section 32-710 which authorizes and directs the State Board of Education to inaugurate and administer a system of free textbooks for the public schools of Georgia and gives the Board authority to promulgate and enforce such rules and regulations as may be necessary for that purpose.

The Board is given general power to provide for the school book system under Section 32-723.

9. Acquiring AV aids and school supplies, equipment, and textbooks.

The powers of the county boards of education(discussed fully in part II), are, in part, set forth in Sec 32-909 as far as school property and facilities are concerned. As far as applicable here (portions are applicable in item 17), this section states:

> "The county boards of education shall have the power to purchase, lease or rent school sites; build, repair or rent school houses, purchase maps, globes, and school furniture, and make all arrangements necessary to the efficient operation of the schools. * * * (Emphasis added.)

Likewise, Sec. 32-1009 provides, in part, that

> "* * * He [the county superintendent of schools] shall be the agent of the county board in procuring such school furniture, apparatus, and educational requisites as they may order, and shall see that none but the prescribed textbooks are used by the pupils; * * * (Emphasis added.)

On this point, local school trustees set up under 32-1104 do not have authority to borrow money for expenses of schools. 160 Ga. 556, 128 S.E. 766.

13. Producing AV aids

As indicated in item 4, the textbook laws appear to be the authority under which Georgia is utilizing AV aids. Hence, provisions concerning the production of textbooks would appear to be informative. Under Sec. 32-718, it is provided that:

> "If the State Board of Education shall find it advantageous to the State to provide for publishing any or all of thetextbooks required to be used in the public schools of this State, it is authorized and empowered so to do, under such reasonable rules and regulations as it may prescribe, and to that end may enter upon such contracts as may be necessary for that purpose. * * *

Of some interest is the specific provision concerning the study of alcoholism. Sec 32-434 generally provides that "The State Board of Education may use and allocate money for educational research, preparation and publication of instructional material and such funds may be paid upon approval of the Governor." Although broad sounding, actually this provision is restricted by 32-435. Basically therestriction indicates that these funds will be used"(a) For the development and production and procurement of curriculum materials and units of instruction on the scientific facts in regard to the influence and effect of alcohol on human health * * *." 32-435(c) provides for cooperative work, study groups, demonstrations of methods and materials of instruction. 32-436 allows for the employment of research specialists and 32-437 authorizes the State Board to make uniformly available to the public schools of the State cirriculum materials, units of instruction and suggested methods of instruction developed under the above sections.

Clearly, these provisions establish a complete system with regard to the use of instructional materials of all types but in regard to only one specific subject matter.

14. Certificating teachers and AV professionals

Sec 32-408 provides generally for the State Board's power of providing for the classification and certification of teachers. Sec 32-605 is, however, more specific and helpful:

> "The State Board of Education shall provide, by regulatich, for certifying and classifying teachers inthe public schools of this State. No teacher, principal, supervisor, or superintendent other than county school superintendents, shall be employed in the public schools unless such person shall hold a certificate from the State Board of Education, certifying to his or her qualifications as such teacher, principal supervisor, or superintendent, pursuant to the rules and regulations of the State Board of Education. The State Board of Education shall provide, by regulation, for the classification of all teachers in the public schools of this State upon the basis of academic, technical and professional training and experience, and the certificate issued to each such teacher by the the State Board of Education, or pursuant to its authority, shall indicate the classification of such teacher."

As a side-remark, in Bd of Ed. v. Butler, 154 Ga 569, 115 S.E. 10 (1922) it was held that the county boards of education in counties having a system of public schools supported by local taxation could hire county demonstration agents, vocational agricultural ~~ax~~ teachers, and home demonstration agents. While primarily in the vocational area, the court did refer to a non-vocational statute to sustain this authority.

17. Sec. 32-420 gives the State Board to power to determine needs and locations of public school buildings. Specifically, it provides:

> "In order to assist the boards of education of county and independent school systems, upon their request, the State Board of Education is hereby authorized and empowered to make comprehensive studies to determine the need and the location of public school buildings, to determine the [redacted] safety and educational requirements of public school buildings, and to plan methods of financing the cost of constructing and equipping such buildings; and to establish a code of school building practices and standards. (Emphasis added.)

At the lower level, the county board of education under Sec 32.909 has the power to control all schoolhouses in such manner as they think will best serve the interests of the common schools. Specifically, as to the building of school houses, this section provides:

> "* * * In respect to building of schoolhouses, the said board of education may provide for the same by a tax on all property located in the county and outside the territorial limits of any independent school system. The construction of all public school buildings must be approved by the superintendent and board of education and must be according to the plans furnished by the county school authorities and the StateBoard of Education."

Sec 32-1401 also gives the county board of education all the powers formerly vested in local or consolidated school district trustees as to building and equipping of schoolhouses in the county.

18. Sec 32.413 provides generally for the acceptance of fundsappropriated by Congress, although it appears that this particular section is aimed at vocational education specifically. Sec 32.417 gives the State Board the power to receive funds from Federal grants for education of persons over 18 years old. Finally, the broadest provision, Sec 32.419, provides:

> "The State Board of Education is hereby authorized and empowered to receive any Federal funds, or any other funds, made available to it for schoolhouse construction or improvement of the schools under its jurisdiction, and to allot said funds to the boards of education of county and independent school systems under such rules and regulations as may be adopted by the State Board of Education subject to such limitations as may be imposed in the grant or appropriation of such funds." (Emphasis added.)

This latter provision would appear to broadly authorize the State Board to receive federal aid subject to whatever purpose is placed thereon and these funds must be allotted to the local governing bodies.

Sec. 32-2606 allows the State Board, in part, to accept gifts of books, moneys from the Federal Government, in connection with the library program.

19. State Aid to Schools

General provisions on this subject may be found in Ch.32-6, the Minimum Foundation Program, the general policy being to establish equalized educational opportunities throughout the state resulting in a minimum foundation program of education. A Minimum Foundation Fund is established under Sec. 32-602.

One interesting provision concerns the determination of amount of funds needed for capital outlay, Sec. 32-613. Capital Outlay includes, under 32-613, building and equipping of facilities such as recreation rooms, rest rooms, auditoriums, and lunch rooms. The section provides for the determination of how much a local unit will need to provide for capital outlay. The ability of the local unit to meet these needs by its bonding ability is taken into account. Additional funds are authorized in State Board's discretion where exceptional needsfor capital outlay funds exist.

The general provision covering the rather detailed provisions in this chapter is Sec 32-616 which states that the "amount of State-contributed foundation program funds which shall be allotted to each local unit by the State Board of Education shall be the difference between the total calculated cost as determined in section 32-614 less the local ability of the unit to raise funds as determined in section 32-615."

Finally we come to what may well be the all-important section, Sec 32-624, which provides:

"The State Board of Education shall annually determine the funds needed to provide the public schools of the State with free textbooks, teaching materials and aids, and school library books and materials by multiplying the total number of persons enrolled in the public schools of the State by a sum to be determined by the State Board of Education. This sum shall be determined annually and shall be not less than $3 per person enrolled in the public schools of the state, provided adequate funds are appropriated by law." (Emphasis added.)

The above may well be the provision of law which the State is relying upon to purchase AV aids under the textbook laws.

21. Library programs

Sec 32.2605 authorizes the State Board to give aid, advice and counsel to all libraries and communities as to the best means of establishing them, selecting books, cataloguing and other details of library management. The Board also exercises supervision over all public libraries. The Boardis also authorized, to carry out a booklending service, to purchase books, periodicals, and other instructional materials. Sec 32-2606 allows the State Board to accept gifts of books, money, property etc. and to perform all functions necessary to carry out the intention and purposes of this law.

Sec 32-625 sets forth the method by which the State Board annually determines the funds needed to provide the libraries of the state with library materials and books.

23. The vaguesreference is that the county superintendent of schools has the duty, together with the State supervisors, to "superintend the county normals and institutes for teachers of his county****", the implication being that such institutes do exist. Unfortunately, no provision was found authorizing any body to establish such institutes.

HAWAII (1959-60)

Enrollment in full-time public schools:

Elementary	106,008
High School	33,421
Number of school districts (including non-operating)	1
Number of elementary schools	166
Number of high schools (including junior high)	119
Expenditure per pupil in average daily attendance	$330

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-60 OE-20006-60, pp. 6-7, 9, 11.

HAWAII

District Superintendencies

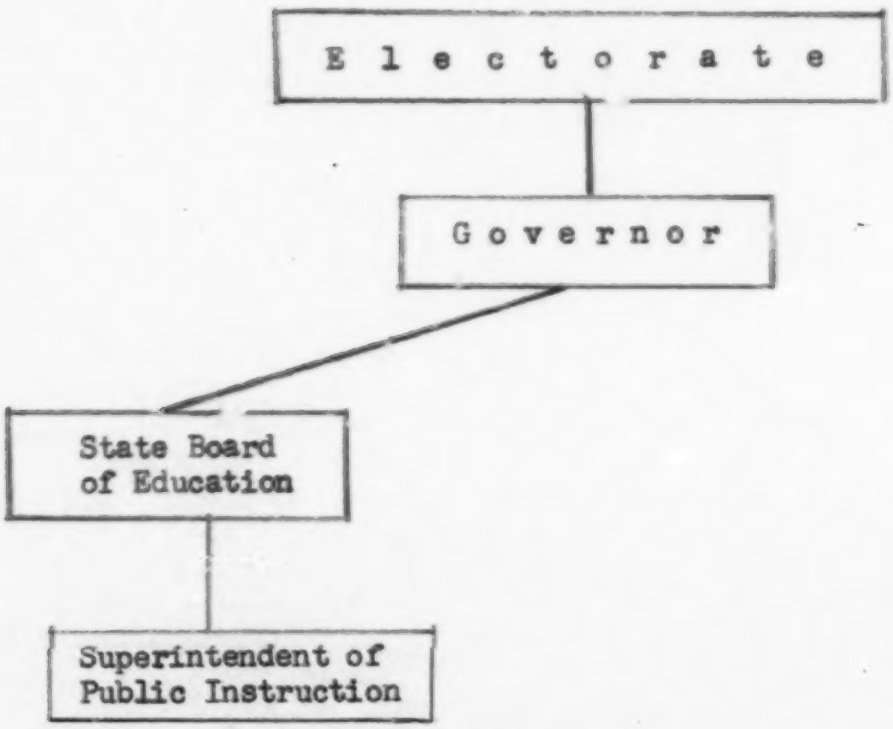
There are no county school superintendents in the State; instead there are 4 administrative district school superintendencies.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 43.

Source: U. S. Department of Health, Education, and Welfare,
The State and Education (OE-23008), Washington, 1960, pp. 162-163.

H A W A I I

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

a. Schools.....

* Board of Commissioners of Public Instruction.--Consists of 8 members, the superintendent of public instruction ex officio and 7 persons nominated and appointed by the governor by and with the advice and consent of the senate of the Territory of Hawaii. The appointive members hold office for overlapping 4-year terms. All members must have been citizens of Hawaii for at least 5 years immediately preceding their appointment. Two members must be residents of the county of Hawaii, 1 of the county of Maui, 1 of the county of Kauai, and 2 of the city and county of Honolulu. One appointed member, the chairman, is appointed from the Territory at large. No person who is in holy orders or who is a minister of religion is eligible to serve on the board. Women are eligible for appointment, but not more than 3 may be members at any one time. The board operates all public schools of Hawaii with the exception of the University of Hawaii. (Under the proposed State constitution, there will be a State board of education. The members will be appointed by the governor by and with the advice and consent of the senate. Appointments will be made from panels submitted by local advisory councils.)

*Territorial Board of Education.

3. Chief School Officer

The superintendent of public instruction is appointed by the governor by and with the advice and consent of the senate of the Territory of Hawaii. The superintendent is the administrative officer of the Territorial board of education. Under the proposed State constitution the superintendent of public instruction will be appointed by the State board of education.

7. Coordination of the Territorial Education System Through Structure

The Territorial board of education is responsible for the coordination of the Territorial program of elementary and secondary education.... The Territorial board of education operates all of the public schools in Hawaii....

8. Coordination of the Territorial Education System Through Ex Officio Memberships

The superintendent of public instruction is an ex officio member of the Territorial board of education.....

9. Fiscal Coordination

Two educational agencies submit budgetary requests to the director of the budget bureau, the Territorial board of education.... The director, an appointee of the governor, consults with the educational agencies and may require a revision of the estimates on the basis of a minimum sum for the agencies. If the revised estimates are not returned on or before the date prescribed by the director, he is authorized to prepare such estimates and data as are necessary to enable the governor to include estimates and statements in respect to the work of these agencies in the budget submitted to the legislature. The governor transmits the budget to the legislature on the first day of each regular session.

State: Hawaii

Source of information unless otherwise stated: Session Laws, 1961, 1960 Supplement to Revised Laws, Revised Laws, 1955.

PART I

Educational Organization

State level:

Department of Education: called Department of Education
Constitution Art. IX, Ch. 37.2, R.L. 1955, amended 1961
how organized: Headed by executive board known as Board of Education and the Superintendent of Public Instruction.
established by: P.L. 182, 1961 as amending Ch. 37, R.L. 1955

is it a body corporate: no

State Board of Education: called Board of Education

established by: Ch. 37.2, R.L. 1955 as amended by P.L. 182, 1961

is it a body corporate: no

composition: 11 members which includes the Superintendent of Public Instruction, as ex officio voting member(members represent various counties)
how selected: 10 members appointed by Governor from panels submitted by local School Advisory Councils
is confirmation necessary: by and with the advice and consent of the Senate
subject to what control:

to whom reporting:

term of office: After initial appointments for 4 years

Chief state school officer: called Superintendent of Public Instruction

office established by: P.L. 182, 1961 as amending R.L. 1955

how selected: appointed by State Board of Education

is confirmation necessary: no

subject to what control: Board of Education

to whom reporting: " "

term of office: at will of Board of Education

staff and who appoints:

Other organization or official: called Deputy Superintendent of Public Instruction

State: Hawaii

PART I - continued (2)

State Level (continued):

Other organization: Library Advisory Commission

established by: Sec. 14A-17 (1959) R.L. 1960

is it a body corporate: no

composition: 7-11 members. Acts in advisory capacity to Board of Education

how selected: not indicated

is confirmation necessary: not apparently

subject to what control: not indicated

to whom reporting: Board of Education

term of office: not indicated

State: Hawaii

PART I

Educational Organization (continued)

Intermediate level:

Organizational unit: called Local School Advisory Councils

how organized: county Act. 182, 1961, Sec. 37-4

composition: councils vary in size, from 4 to 14 members, according to size of county. Serves in advisory capacity to Bd. of Education*

is it a body corporate: no

Board of education, if any: called none

established by:

is it a body corporate:

composition:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

Administrative officer of unit; called Chairman

office established by: Act. 182, 1961, Secs. 37-5, 3706

how selected: by members of Council

is confirmation necessary: no

subject to what control: Council

to whom reporting: Board of Education

term of office: 2-year term. May be re-elected but not for consecutive terms

staff and who appoints: council

* Each member of local school advisory council shall be appointed by the Chairman of the Board of Supervisors or the mayor of each respective county, by and with the advice and consent of the respective boards of supervisors or city council, or, in default thereof by the Governor.

State: Hawaii

PART I

Educational Organization (continued)

~~Intermediate level~~: Local level or independent

Organizational unit: called School District*

how organized: Sec. 40-17, R.L. 1955

composition:

is it a body corporate: not indicated

Board of education, if any: called none

established by:

is it a body corporate:

composition:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

Administrative officer of unit; called District superintendent

office established by: R.L. 1955, Sec. 38-2

how selected: Superintendent of Public Instruction

is confirmation necessary: approval of the Board

subject to what control: " "

to whom reporting: Superintendent of Public Instruction

term of office: not indicated

staff and who appoints: not indicated

*not a body corporate but counties are. Sec. 144-2(j) R.L. 1955

State: Hawaii

PART I

Educational Organization (continued)

Schools

Principals

appointed by: Department of Education, Secs. 38-3, 38-4

qualifications: * certification

term of office: 2 years probationary--permanent thereafter dependent upon good behavior and competency

Teachers

appointed by: Board of Education

qualifications: certification

certification: Sec. 38-6, R.L. 1955

tenure: 2-year probationary period--permanent thereafter subject to good behavior and competency, Secs. 38-5, 38-5.1

special assignments:

Sec. 40-23, R.L. 1955 authorizes the employment of persons duly qualified as teachers as special teachers to "collect, compile and adopt material for a primer or readers, particularly suitable for the purposes of the public schools of the State." See Part II.

* Sec. 38-3, R. L. 1955 provides "If there is more than one teacher in any public school, one of them shall be designated by the Department as principal provided that no teacher shall be designated by the department as principal or acting principal of any school unless such teacher has served as a teacher for a period of not less than 3 years, or after 20 years service as a teacher, without examination provided by law or departmental regulation."

State: Hawaii

Source of information unless otherwise stated: Act 182, 1961 R.L. Supplement 1960 to R.L. 1955, R.L. 1955 and Constitution OF Hawaii

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

Art. IX. Constitution of Hawaii provides:

> "The State shall provide for the establishment, support and control of a state-wide system of public schools".....

Act 182, 1961 amending Ch. 37, R.L. 1955, Sec. 37-2 provides:

> "There shall be a principal executive department to be known as the Department of Education which shall be headed by an executive board to be known as the board of education. The board of education shall have power in accordance with law to formulate policy and exercise control over the public school system through its executive officer, the superintendent of public instruction."

Sec. 37-6. Duties of Superintendent. "Under policies established by the board, the superintendent shall administer programs of education and public instruction throughout the State, including education at the pre-school, primary and secondary school levels....., and such other programs as may be established by law." The Superintendent is authorized "to sign all drafts for the payment of moneys, all commissions, appointments, all deeds, official acts or other documents of the department. He shall, at such time as may be prescribed by the board present to the board the full annual reports of the principal transactions within the Department during the last completed years, which reports together with such recommendations as the board may think proper shall be presented to the Governor and the Legislature."

Sec. 37-7. The Department is authorized to issue rules and regulations for government of teachers, pupils, officers and agents and servants, for carrying out the"general scheme of education, and for the transaction of business, which, when approved by the Governor and published, shall have the force and effect of law."

State: Hawaii

PART II - continued (2)

Ch. 38-2, 1955 R.L. Appointment of District Superintendents. Authorizes the Superintendent of Public Instruction with the approval of the Board of Education to appoint in the several counties district superintendents. Powers of district superintendent not indicated.

Sec. 40-17, R.L. 1955 School Districts. For better control and management of the public schools, the Department may designate school districts, establish their boundaries, and alter the same from time to time as in its discretion it deems most advisable to be arranged so that there be no unassigned locality.

R.L. 1955, Sec. 40-2 Control of Instruction. The Department of Education shall have entire charge and control and be responsible for the conduct of all affairs pertaining to instruction. The department shall regulate the courses of study to be pursued in all grades of the public schools and classify them by such methods as it shall deem proper provided that 50% of the study and instruction in each school day shall be devoted to oral expression, written composition and the spelling of the English language.

Sec. 37-13 "The department may prepare or cause to be prepared, printed and published, such reports, pamphlets, duplicate certificates, outlines of courses, etc. as in the discretion of the department may seem advisable and sell or dispose of such publications at a profit to the department....."

R.L. 1955, Title 8, Ch. 138 General Provisions Common to All Counties. The governing body or the planning commission of the various counties, with the consent of the Board of Supervisors may enter into agreements (which may extend over any period notwithstanding any provision or rule of law to the contrary) with the federal government or any other public body or bodies respecting action to be taken pursuant to any of the powers granted to it by law and furnish, expend and receive any funds or other assistance in connection with projects being or to be undertaken pursuant to such powers.

Textbooks

Sec. 144-2(g) R.L. 1955 (Government of Hawaii, General Powers and Limitations) Each county shall have the following powers: "School books. The county of Maui may, insofar as the finances of the county permit, purchase schoolbooks prescribed by the Superintendent of Public Instruction for the use, without charge of elementary school students in the county. Same authority granted to other counties.

(j) Provides that each of the counties shall be a body corporate and politic with all powers vested in and exercised by a board of supervisors.

Sec. 40-21 Parents to pay for textbooks. Allowances made for needy cases.

State: Hawaii

PART II - continued (3)

Sec. 40-22 Rental of Textbooks. Authorizes rental of textbooks to pupils and provides that the principal shall keep money from rentals in special fund which shall be expended "for the purchase and maintenance of school books and for other supplementary instructional material of a printed or mimeographed nature approved by the department, expenditure to be limited to 10% of total collection."

Libraries

R.L. Supp. 1960, Sec. 14-A-17 "Under policies established by the Board, the Superintendent shall administer programs of education and public instruction throughout the State" including education at a pre-school, primary and secondary school level, post high school, vocational and adult education, library services, etc. and such other programs as may be established by law. By this same act, library functions of the various counties transferred to the Board of Education.

Ch. 45 Library of Hawaii and County Libraries in Hawaii County, Kauai and Maru County recognized in this chapter. By Sec. 14A-17, the duties and powers of the above were transferred to the department of education. Sec. 14A-17 also established a commission in each county known as the "Library Advisory Commission." However, in the fiscal year ending June 30, 1962, funds were still appropriated for the county libraries. Below is one provision relating to the powers of the Library of Hawaii Board transferred to the state department of education.

Sec. 45-3 "The board may make such arrangements or contracts as are approved by the governor, with any county, city, association, society, person or persons, for the purpose of benefiting the library and increasing its facilities and use; enter into such arrangement.....with the Friends of the Library of Hawaii, for the purpose of obtaining..... the use of books and property....."

Sec. 14A-17, 1960 Supplement There shall be within the department of education, a commission in each county to be known as the library advisory commission for such county which shall in each case sit in an advisory capacity to the board of education on matters relating to public library services in the respective county. Each commission shall consist of not less than 7 and not more than 11 members.

Taxation and Finance

Constitution, Article VI, Sec. 1. The power of taxation shall never be surrendered, suspended or contracted away.

Sec. 3 "All bonds and other instruments of indebtedness issued by or on behalf of the State or a political subdivision thereof must be authorized by the legislature and bonds and other instruments of indebtedness of a political subdivision must also be authorized by its governing body." Sixty million dollars is established as the limit of the funded debt of the State at any time outstanding and unpaid. However, it is provided that bonds and other instruments of indebtedness in excess of the limit may be authorized by a two-thirds vote of the

legislature (both houses) provided such excess debt, at the time of authorization, would not cause the total indebtedness to exceed a sum equal to 15% of the total assessed values for tax rate purposes of the real property in the State, as determined by the last tax assessment rolls pursuant to law.....A sum equal to 10% of the total of assessed values for tax rate purposes of real property in any political subdivision as determined by the last tax assessment rolls pursuant to law is established as the limit of the funded debt of such political subdivision at any time outstanding and unpaid. The aggregate of such debts contracted by any political subdivision during a fiscal year shall not exceed 2% of the total of such assessed values in a political subdivision.

Ch. 139-1 repeats constitutional authority for counties to issue bonds for public improvements.

R.L. 1955, Sec. 39 1-2 School budget, general fund. Provides that the salaries of the superintendent, teachers, office force and all other employees of the Department of Education and all items of general expense, including books, materials, supplies and equipment shall be included in the departmental estimate in such form and detail as the director of the bureau of budget shall require. Not later than January 31 of each year the Department shall submit to the Board of Supervisors of each county a budget to be known as the special school fund budget, showing the estimated requirements of the public schools and of the department in such county for the year for specific purposes such as "new buildings, additions and improvements", purchase of land, furniture, etc.

R.L. 1960 Sup., Ch. 4, Sec. 5-403(e) The department of finance is authorized to contract for services of independent contractors, purchase materials, supplies and equipment and permit disbursements to be made only pursuant to rules adopted under the terms of the charter.

Ch. 9-1.1 Expenditure of Public Money. All revenues of the state not specifically appropriated to other purposes shall be general realizations of the State to be available for general use in financing government operations and services.....Expenditures from this fund shall be authorized by the legislature through appropriations or otherwise, and expenditures shall be made in accordance with the laws and regulations governing the expenditure of public funds generally.

Sec. 39-4 Use of funds. ".....All new buildings erected by the counties with moneys covered by the special school fund budget shall be subject to the approval of the department of public instruction as to size, arrangement, dimensions, lighting of rooms and sanitary conveniences. The amounts of the items under the general school fund budget shall be expended under the direction of the department of public instruction."

Sec. 40-5 "The department may authorize schools to levy and collect special fees for the purpose of covering breakage, replacement of apparatus and supplies, and the purchase of new equipment and supplies furnished by any school which fees shall be deposited in a separate fund by such schools and expended by them under such rules and regulations as the department may prescribe....."

State: Hawaii

PART II - continued (5)

Federal aid

R. L. 1955, Ch. 37-18, as amended, Act 182, supra. Authority to secure federal funds. The department of education, director of finance, and governor may take such steps and perform such acts as may be necessary or proper in order to secure federal funds for authorized educational purposes.

R. L. 1955, Sec. 37-16. Administration and use of federal funds. The Board of Education designated as administrator of such funds as may be allotted to the State under the provisions of federal legislation for public educational purposes, and shall, subject to such limitations as may be imposed by Congressional action, use and expend such funds: (a) to improve the program of the public schools, including any grades up to the 14th..... (e) to provide for the purchase of supplies, apparatus and materials for public schools and (f) for any such purposes and to such extent as shall be permitted by the Acts of Congress concerned.

Gifts

Sec. 37-15-5, 1961. The Board may receive and manage moneys or other property, real, personal or mixed, which may be given, bequeathed, devised, or, in any other manner received from sources other than the legislature or any federal appropriation for the purposes of the department. Such moneys are to be paid into the treasury and appropriated to the use of the department.

Teachers Conventions and Institutes

R. L. 1955, Sec. 37-15. Teachers' conventions. "The Department may establish and maintain one or more teachers' conventions or institutes, or it may authorize and permit their establishment by and among its teachers, and may direct and authorize the attendance of teachers thereat, as a part of their duties, and may permit the closing of schools at specified limited times, in order to permit their attendance at such conventions and institutes."

State: Hawaii

Source of information unless otherwise stated: Session Laws, 1961

1960 Supplement to R. L. 1955, Revised Laws 1955

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

By Act 125, 1961, p. 150, the following appropriation made out of state funds:

Supervision of Curriculum, Instruction and Guidance:

Audio-Visual Education..... $ 248,492

* * * * * *

"Provided that in the audio-visual education program not less than the sum of $161,400 shall be expended for audio-visual equipment to be used in the class-rooms."

* * * * * *

University of Hawaii

Resident Instruction

Audio-Visual Center..... $ 44,115

State: Hawaii

PART III - continued (2)

For the fiscal year ending June 30, 1961, $30,100 and $106,804 were appropriated for audio-visual and audio-visual supplies respectively. For June 30, 1960, only $54,536 was appropriated for audio-visual supplies. The drastic increases in the past years should be noted in connection with the material set forth below.

/A note indicates that a position of director of audio-visual education was authorized in the General Appropriations Act for the fiscal year 1960-1961. This was taken from High Spots in State School Legislation, Jan. 1 - Aug. 1, 1960. However, a check of Act 18 does not reveal that such a position was expressly recognized, although this may well have been the effect of the legislation./

The Annual Report for 1960-1961 of the State Department of Education provides us with an excellent insight into the activities of Hawaii with reference to the use of AV material. One section is quoted verbatim below:

(P. 16) "The urgent need to give our children the kind of education that will enable them to successfully meet the problems of a world in conflict requires that we obtain and use the best available materials and resources for instructional purposes.

Audio-visual materials enable teachers to make learning vital, exciting and meaningful. Motion pictures bring the outside world into the classrooms. Pupils enjoy and get greater meaning from historical dramatization, poetry, the music of great symphonies brought to life through recordings. Models, charts and dioramas give increased meaning to classroom instruction.

Through the reorganization of the audio-visual program and the development of a statewide service the benefits of such materials are being made available to all the pupils in all the public schools of Hawaii.

Through increased legislative appropriations, the department will increase the offering of materials available at state level. At the same time more funds will be available directly to schools to enable them to acquire those materials and equipment which they should have available locally.

The schools and the community are making a study of the potential which instructional television holds for improving the education of all people in the state.

The legislative appropriation for audio-visual education for 1961-62 was increased to a total of $248,493 for the 1961-1962 school year; $1.10 per child is being expended for audio-visual materials and equipment at the state, district and school levels.

State: Hawaii

PART III - continued (3)

A five year plan for the improvement of the AV program has been prepared and is being implemented. The plan is designed to:

provide wide selection of newer education media

keep teachers informed of the availability of such material and media

provide facilities in schools that will permit teachers to effectively use audio-visual materials and equipment

provide training to teachers at both pre-service and in-service levels in the effective use of the newer instructional materials."

/As can be noted, there is a definite complete program covering the utilization of AV materials. However, legislation in Hawaii is sparse or non-existent with respect to the authorization of these activities. There is practically no reference to AV materials or instructional aids in the Hawaii statutes, as will be noted below. Hence, it would appear that the general authority with respect to the conduct of the schools is being used by the state, and that regulations have been adopted spelling out, in detail, the program which has been instituted./

Page 7 of this same report indicated that the use of a closed circuit TV for language studies had been experimented with.

Draft Regulation 6144.1:

Circulation of Audio-Visual Aids

Policy

The circulation of educational motion pictures and other instructional materials from the Audio-Visual Center is restricted to Hawaii public schools, including technical, community evening and special schools; to the University of Hawaii, University High School and University Elementary School.

Regulations

Audio-Visual Aids are to be made available only upon request of the authorized representative of the school or institution whose name has been registered with the Audio-Visual Center. It is understood and intended that these materials are for use in the regularly scheduled instructional programs of the borrowing school or institution.

State: Hawaii

PART III - continued (4)

Exceptions

1. All materials in the Audio-Visual Center are available upon request to members of the professional staff in the State and District Offices for use in their regular duties.

2. Certain films have been placed on deposit to be available to schools by outside agencies, associations and commercial concerns. (Example: Hawaii Education Association, Junior League, Hawaiian Pineapple Research Institute, and others.) It is understood that such films are available for booking to the donor upon its request when such bookings will not result in a cancellation of a previous booking commitment.

3. Films are also available for use in regular meetings of school P.T.A.s when the film is requested by the school audio-visual coordinator and its use is approved by the principal of the school.

State: Hawaii

Source of information unless otherwise stated: Constitution of Hawaii, R. L. 1955 and Supplement 1960, Session Laws 1961, Annual Report 1960-61 State Department of Education entitled "Our Island Schools".

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject.
Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

yes — 2. Planning the use of AV aids
- (a) implied by appropriation, Act 125, 1961 (see Part III)
- (b) implied by general authority: Sec. 37-6, 40-2, 37-2 as amended 1961. See also Annual Report 1960-61, page 16 (quoted Part III above)

yes — 3. Preparing curricula
- (b) Sec. 40-2, 37-6, 37-2 as amended by Act 182, 1961

yes — 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available
- (a) See Annual Report, p. 16 (quoted Part III above) implying advice
- (b) Sec. 37-13, 40-2

yes — 5. Organizing AV units and cooperative activities
- (b) Sec. 40-2

no — 6. Conferring on AV use outside of State educational structure

State: Hawaii

PART IV (continued)

Yes or No

yes 7. Selecting AV aids (and observing academic freedom)
(a) None but see Annual Report, p. 16 (quoted in Part III above)
(b) Sec. 37-2, 37-6, 40-2

yes 8. Selecting textbooks (and observing academic freedom)
(b) Sec. 40-22, 40-21

yes 9. Acquiring AV aids and school supplies, equipment, and textbooks
(a) Implied by Act 125, 1961, p. 150; see also Annual Report, p. 16 (quoted in Part III above)
(b) Implied by Sec. 37-16, 39-1, 40-5

yes 10. Financing acquisition by rent or purchase
(a) Act 125, 1961, p. 150.
(b) Implied by Sec. 40-29 (40-27, 40-28), Sec. 40-22, 39-2, Art. IX, Constitution

yes 11. Regulating use of AV aids and keeping statistics on use and using personnel
(a) None, but see Annual Report, p. 16 (quoted in Part III above)
(b) Implied by Sec. 37-2 as amended by Act 182, 1961, and by Sec. 37-6 and 37-7

no 12. Distributing AV aids
But see Annual Report, p. 16 (quoted in Part III above)

no 13. Producing AV aids
But see Educational Television Directory, 1962, National Educational Television and Radio Center, New York, p. I, for reservation of ETV channels

yes 14. Certificating teachers and AV professionals
(a) No, but see Annual Report, p. 16 (quoted in Part III above) for AV training program
(b) Implied by Sec. 37-7, 40-2

yes 15. Prescribing qualifications of using personnel
(b) Implied by Sec. 37-7, 40-2

State: Hawaii

PART IV (continued)

Yes or No

yes 16. Accrediting schools
(b) implied by Sec. 37-7

yes 17. Building or remodeling schools to facilitate AV use
~~(a)~~ none, but Annual Report, p. 16 (quoted Part III above) indicates that such plans have been made
(b) implied by Secs. 39-2, 39-4

yes 18. Federal aid to schools

(b) Secs. 37-16, 37-18

yes 19. State aid to schools
(a) Act 125, 1961 (see Part III). See also Annual Report, p. 16 (quoted Part III above)
(b) Art IX, Constitution

yes 20. Private aid to schools

(b) Sec. 37-15-5.1

yes 21. Library programs

(b) Sec. 45-3, R. L. Supp. 1960, Sec. 14-A-17

no 22. Research programs

But see Annual Report, p. 16 (quoted Part III above)

yes 23. Institutes

(b) Sec. 37-15

yes 24. Other established procedures
(a) Draft Regulation 6144.1 Department of Education, Act 125, 1961,
(b) Act 253, 1959, Supp. 1960, Chap. 44.

State: Hawaii

PART IV - continued (4)

Hawaii, by reason of its recent admission as a State and many transitional activities attending that process, does not have a body of legislation on public education with the detailed provisions found in most States. The broad general powers conferred upon officials and organizations at the State level are ample to support the operation and maintenance of a public school system. Key provisions are referred to below. These and other provisions of statutes have been supplemented by a large body of regulations for the government of the school system issued by the Department of Education under authority of Sec. 37-7. By terms of that section such regulations, when approved by the government and published, shall have the force and effect of law. An up-to-date collection of such regulations was not available for the present study. An incomplete set, out-of-date, was examined, but inasmuch as it contained no material dealing with the area of principal interest in this study, no references are made to it. Some of the basic general provisions, which have already been referred to in Part II above, are repeated here for convenient reference.

Article IX, Constitution of Hawaii, provides in part as follows:

"The State shall provide for the establishment, support and control of a state-wide system of public schools....."

Section 37-2 of R. L. 1955, amended by Act 182, 1961, contains the following provisions:

"There shall be a principal executive department to be known as the Department of Education which shall be headed by an executive board to be known as the board of education. The board of education shall have power in accordance with law to formulate policy and exercise control over the public school system through its executive officer, the superintendent of public instruction."

Section 40-2 of R. L. 1955 provides in part as follows:

"The Department of Education shall have entire charge and control and be responsible for the conduct of all affairs pertaining to instruction. The department shall regulate the courses of study to be pursued in all grades of the public schools and classify them by such methods as it shall deem proper....."

Section 37-6 of R. L. 1955 provides in part as follows:

"Under policies established by the board the superintendent shall administer programs of education and public instruction throughout the State, including education at the pre-school, primary and secondary school levels....., and such other programs as may be established by law."

The Superintendent is further authorized "to sign all drafts for the payment of moneys, all commissions, appointments, all deeds, official acts or other documents of the department. He shall, at such time as may be prescribed by the board, present to the board the full annual reports of the principal transactions within the

State: Hawaii

PART IV - continued (5)

Department during the last completed years, which reports together with such recommendations as the boards may think proper shall be presented to the Governor and the Legislature."

Section 37-7 of R. L. 1955 provides that the Department is authorized to issue rules and regulations for government of teachers, pupils, officers and agents and servants, for carrying out the "general scheme of education, and for the transaction of business, which, when approved by the Governor and published, shall have the force and effect of law."

There are no county school superintendencies in Hawaii. Instead, there are four administrative district school superintendencies. See page 43 of Education Directory, 1960-1961, Part 2, O.E.-20005-16, issued by the U. S. Office of Education.

Each of the four district superintendents is appointed by the superintendent of public instruction, with approval of the State board, Section 38-2, and report to him. The several school districts, established by Section 40-17, are not bodies corporate, and do not correspond exactly in area to the counties, of which there are five, nor to the islands, of which there are seven. The counties, of course, as political entities are corporations. This corporate structure is used in connection with preparing a budget for the special school fund, showing estimated requirements for new buildings, additions and improvements, furniture and equipment, but procedures and details are not as extensive as in other States.

There is no local board functioning with a district superintendent and corresponding either to a county or regional board at the intermediate level or to a local operating board, as in other States. However, under authority of Section 37-4, as amended by Act 182, 1961, the chairman of the board of supervisors or the mayor shall appoint a local school advisory council. In time these bodies may come to be invested with broader powers than they now possess and may then correspond more or less to local boards of education. Meanwhile, it appears that the 209 schools on the islands, with concentration of 119 in Oahu, are in effect controlled from the state level, since the district superintendents who supervise their operation are directly responsive to the superintendent of public instruction, Section 38-2, who in turn, is responsive to the State board of education, Act 182, 1961. At the present stage of the history of Hawaii, this system of centralized control may be necessary. But in any case it provides machinery for strong leadership in the development of the public school system, and there is ample evidence in the Annual Report 1960-1961 of the State Department of Education, entitled "Our Island Schools", that it is getting that strong leadership.

State: Hawaii

PART IV - continued (6)

Topic 2 - Planning the use of AV aids

(a) Specific - Planning at the State level of the educational structure will be required to make use of funds appropriated for AV aids by Act 125, 1961. The Annual Report, page 16, shows the extent of present planning.

(b) General - Authority to plan is shown by general provisions implying this function in Section 37-2 for the board, 40-2 for the department, and 37-6 for the Superintendent of Public Instruction.

Topic 3 - Preparing curricula

(b) General - Section 40-2 authorizes the Department of Education to "regulate the courses of study", which should include the introduction of AV media. This power is probably controlled in part by the Superintendent of Public Instruction, as titular head of the department, Section 37-6, and in part by the board of education as the policy-making body, Section 37-2 as amended by Act 182, 1961, to which the Superintendent of Public Instruction makes his recommendations.

Topic 4 - Advising subordinate units and teachers

(a) Specific - While there is no specific legislation on this subject, it is clear from the annual report, page 16, that teachers are kept advised of new teaching techniques.

(b) General - Authority to give advice on this subject through the preparation and publication of reports, pamphlets, outlines of courses, and so on is contained in Section 37-13, empowering the Department of Education to make such publications. Its general authority under Section 40-2 to control and be responsible for the conduct of all affairs pertaining to instruction, would imply authority of the Department to perform such acts.

Topic 5 - Organizing AV units

(b) General - The general authority of the Department of Education under provisions of Section 40-2, referred to above, should extend to organizing any AV units required in the instructional process.

Topic 6 - Conferring on AV use outside of educational structure

There is no legislation on this subject, but it seems clear that the broad powers quoted at the beginning of Part IV above should enable the several authorities at the State level to confer. But initiative for this purpose may extend to informal conferences at the operating level. Evidence of this is found in the following statement appearing on page 16 of the annual report:

"The schools and the community are making a study of the potential which instructional television holds for improving the education of all people in the State."

State: Hawaii

PART IV - continued (7)

Topic 7 - Selecting AV aids

(a) Specific - There is no specific legislation on this subject, but the Annual Report states on page 16 that $1.10 per child is being expended for audio-visual materials and equipment at the State, district, and school levels.

(b) General - The general authority referred to above at the beginning of Part IV, Section 37-2 for the State board, Section 37-6 for the superintendent of public instruction, and Section 40-2 for the department of education should give them power to select or to delegate that power to others within their discretion.

Topic 8 - Selecting textbooks

(b) General - It seems to be implied by provisions in Section 40-22, referred to on page 3 of Part II above, that the department of education has the function of approving the textbooks used in the schools. That section relates to the rental of textbooks. But Sec. 144-2(g) authorizes counties, insofar as their finances permit, to furnish free for use in elementary schools "schoolbooks prescribed by the Superintendent of Public Instruction." It therefore appears the selection of textbooks is made in his name. The general supply pattern is shown by Section 40-21, which provides that parents of pupils are to pay for textbooks (perhaps by purchase, or perhaps by rental pursuant to the succeeding section), but allowances are made for needy cases.

Topic 9 - Acquiring AV aids and school supplies

(a) Specific - Authority at the State level to purchase or acquire AV aids seems to be implied by Act 125, 1961, page 150 (referred to in Part III above) since the appropriation was made to the "supervisor of curriculum, instruction and guidance". The manner in which such authority might be used, however, is not clear, for in the annual report, page 16, it is stated that"$1.10 per child is being expended for audio-visual materials and equipment at the State, district and school levels" (emphasis supplied). It is possible that the central purchasing authority might do all of the acquiring and then distribute the materials or services purchased among these three levels. But it is also possible that the available funds themselves might be distributed and that actual purchases might be made from different levels. The legislation is not clear on this subject.

(b) General - Purchasing procedures in general are not clearly indicated by the statutes fodnd. Section 37-16 designates the board of education to administer funds received from the federal government for the purchase of supplies, apparatus and materials for public schools. But inasmuch as this is a policy-making board, it would undoubtedly require the department of education to perform any ministerial services, connected with the purchasing of such supplies.

State: Hawaii

PART IV - continued (8)

Section 39-1-2 provides that all items of general expense, including books, materials, supplies and equipment shall be included in the estimate of the department of education in such form and detail as the director of the bureau of budget shall require. This might suggest purchasing control at the State level. However, further provisions of this section require that the department shall submit to the board of supervisors (political) of each county a budget to be known as special school fund budget showing the estimated requirements for such items as new buildings, additions and improvements, furniture and equipment. Presumably this indicates the amount to be realized from local taxation and the purposes for which it is to be spent, but there is no indication that local authorities are to have any choice in the purchasing process.

Section 40-5 provides that the department may authorize schools to levy and collect special fees for several purposes, including replacement of apparatus and supplies, and the purchase of new equipment and supplies furnished by any school. But the fees so collected are to be deposited in a separate fund and expended under rules and regulations of the department. It evidently controls accompanying purchasing procedures. The collection of such fees by individual schools is not the same as the collection of local taxes and does not carry an implication of general authority to purchase school supplies which usually accompanies the collection of local taxes.

Counties, however, have authority to purchase schoolbooks prescribed by the Superintendent of Public Instruction, Secs. 144-2(g). It is possible that in practice (not indicated in any legislation examined) the political machinery of counties might be used to purchase some other school supplies.

Topic 10 - Financing acquisition

(a) Specific - The legislature provided in Act 125, 1961, p. 150, for State financing of AV equipment by its appropriation of $248,492. No other specific legislation on the subject has been found.

(b) General - Apparently the financial support for the public school system, including the purchase of all instructional material, comes principally from the State. Article IX of the Constitution states that the State shall provide for the support of public schools. This does not preclude enactment of legislation to spread the burden by a system of local property taxes, but the statutes found point to such a general program only by implication.

Proceeds from the sale of "school lands", Secs. 40-27, 40-28, must be used for the construction of school buildings, Sec. 40-29, which conceivably could include some AV equipment. Authority for such sales must surely be retained at the State level when disposition of proceeds would also be made.

State: Hawaii

PART IV - continued (9)

Provisions of Sec. 39-2 concerning preparation of school budgets and the requirement that the Department of Education submit to the Board of Supervisors of each county an estimate for school requirements, suggests that local machinery is used to collect some local taxes for school purposes along with other taxes, under general taxing authority of the counties. This may well be a short-cut in reporting budget requirements to local taxing authorities, necessitated by the absence in the school structure of county or local boards of education, which in some other States prepare and submit their budget requirements

The proceeds of fees exacted by individual schools under Sec. 40-22, referred to above, are probably very small, but contribute to some extent toward financing the acquisition of school supplies, which might include some AV aids.

The Annual Report, 1960-61, page 37, contains a partial answer to this question in a statement of school costs for the year ending June 30, 1961. There was a total expenditure of $56,355,091, of which the State contributed $37,117,608 (which is roughly 66%), the Federal government contributed $7,998,756 (which is roughly 14%), and the counties contributed $11,238,727 (which is roughly 20%). The percentage for State contribution is much higher and that for county or local contribution is much lower than in most other states. Also the percentage for Federal aid is much higher than in most states-- heaviest in the classifications of "Instruction" ($4,362,273) and "Capital Outlay", principally for buildings and improvements ($2,598,469).

This statement shows further that no county funds at all were used for "Administration", "Instruction", "Attendance and Health Services", "Food Services", or "Adult Education". Counties on the other hand met all expenses for pupil transportation, which were only $168,376, and for debt service, evidently on local bonds and loans, which was their largest contribution - $4,672,430. Their next largest contributions were $2,318,181, for maintenance of school plants, and $2,678,021, for operation of school plant, which included $2,032,012 for personal services. This item, however, was obviously not for teachers since the State and the Federal government paid for all personal services in the classification "Instruction". Counties made one other substantial contribution which was for "Capital Outlay", broken down as follows:

	State	U. S.	County
Furniture & equipment	$ 91,423	$ 120,406	$ 502,450
Land	0	0	76,262
Buildings & improvements	1,132,196	2,478,063	639,544
Totals	$ 1,223,619	$ 2,598,469	$ 1,218,266

For comparison, the breakdown of "Instruction" is shown:

	State	U. S.	County
Personal services	28,392,481	4,175,899	0
Other current expenses	878,125	62,954	0
Equipment	1,601,311	123,420	0
Totals	$ 30,871,917	$ 4,362,273	0

State: Hawaii

PART IV - continued (10)

Under accounting practices, it would seem reasonable to include teaching materials, such as AV materials in general, in the item of Equipment in the classification "Instruction", towards which the counties contributed nothing.

It would be possible, however, under such practices to include in the item Furniture and Equipment in "Capital Outlay" such permanent, non-expendible equipment as projection machines, screens, tape recorders and similar equipment. Counties may therefore have contributed to some extent to financing the acquisition of such equipment, as did the State and the Federal government. If they did, however, it seems likely that their contribution would be at most only comparable to those of the State and the Federal government, and that the bulk of the $502,450 went for furnishings and equipment needed in operation and maintenance of school plants for which they made by far the largest contribution.

In any case, no statutory provisions have been found to locate the point of decision making, or authority, in procurement procedures for instructional or other "equipment".

Topic 11 - Regulating use of AV aids

(b) General - The general authority of the State Board (Sec. 37-2), the Superintendent of Public Instruction (Sec. 37-6) and the Department of Education (40-2), referred to at the beginning of Part IV, is ample to regulate. More specifically, however, the Department is authorized by Sec. 37-7, supra, to "regulate", and could require adequate records and statistics of AV activities.

Topic 12 - Distributing AV aids

There is no statutory provision for a system of distribution, but the Annual Report, p. 16, indicates that wide distribution is being effected. This is probably under control of the Department of Education.

Topic 13 - Producing AV aids

No legislation. See, however, page I, Educational Television Directory, 1962, published by the National Educational Television and Radio Center, New York, for reservation of four ETV channels - 4, 8, 10 and 11-- by Hawaii.

Topic 14 - Certificating Teachers

(a) Specific - There is no legislation on this subject, but the Annual Report, p. 16, refers to plans of the Department of Education to "provide training to teachers at both pre-service and in-service levels in the effective use of the newer instructional materials."

(b) General - The regulating power of the Department, Sec. 37-7, and its control of instruction, Sec. 40-2, supply authority to impose standards for teachers and enforce them through a system of certification.

State: Hawaii

PART IV - continued (11)

Topic 15 - Prescribing qualifications

(b) General - same as Topic 14.

Topic 16 - Accrediting schools

(b) General - Under its regulatory powers in Sec. 37-7, the Department would have authority to establish an internal system of accreditation, but there is no indication that this has been done except in the Annual Report:

"Using the new standards of 1960 as a guide, work was begun on certification and staffing, library education in Hawaii, relationship to the AV program, revision of building specifications, survey of secondary textbooks, long-range budget needs, experimental combination [of] public and school libraries and exploration of a possible centralized processing program" (emphasis supplied), page 10.

On page 2, ibid., it is stated: "This year we will begin to move forward toward a statewide high school accreditation program", and on page 5: "The public schools of Hawaii were urged to move in the direction of accreditation".

Topic 17 - Building

(a) Specific - No legislation, but on page 16 it is indicated that one purpose of the 5-year AV program is to "provide facilities in schools that will permit teachers to effectively use audio-visual materials and equipment." This might extend to some building adjustments.

(b) General - Under Sec. 39-4, school buildings erected by counties with moneys covered by the special school fund budget are subject to approval by the Department of Education "as to size, arrangement, dimensions, lighting of rooms" and other standards. This and the general authority of the Department under Sec. 37-2, supra, would empower it to enforce standards for improved use of AV in any building operations.

Topic 18 - Federal aid

(b) General - Under Sec. 37-16, the Board of Education is designated as administrator of Federal funds received for educational purposes. It no doubt administers through the Department. Under Sec. 37-18, the Department of Education, the Director of Finance, and the Governor are authorized to "take such steps and perform such acts as may be necessary or proper in order to secure federal funds for authorized educational purposes."

Topic 19 - State aid

(a) Specific - Act 125, 1961 (See Part III) appropriated $248,492 to the Department of Education for AV education. See also Annual Report, p. 16 (quoted Part III above).

State: Hawaii

PART IV - continued (12)

(b) General - State aid is discussed under Topic 10 above.

Article IX of the Constitution requires the State to provide for the support of a state-wide system of public schools.

Article VI, Sec. 3 of the Constitution provides that the Legislature must authorize the issuance of bonds and other instruments of indebtedness by the State or its political subdivisions and, in addition, that if a political subdivision proposes to issue such instruments its governing body must authorize such action. Debt limits are established. (See pp. 3-4, Part II above.)

Topic 20 - Private aid

(b) General - The Board of Education is authorized by Sec. 37-15-5, as amended in 1961, to receive and administer money or other property received from sources other than the State or the Federal government and deposit the money in the treasury to be appropriated to the use of the Department of Education. (See p. 5, Part II above.)

Topic 21 - Library programs

(b) General - R. L. Supp. 1960, Sec. 14A-17 (referred to on p. 3 of Part II above) contains several relevant provisions:

1. It directed the Superintendent, among other things, to administer library services throughout the State.

2. It transferred to the Department of Education powers and duties of established county libraries.

3. It established, under jurisdiction of the Department, a commission in each county known as the Library Advisory Commission, to advise the Department on public library services in the county.

Sec. 45-3 reads as follows: "The board may make such arrangements or contracts as are approved by the governor, with any county, city, association, society, person or persons, for the purpose of benefiting the library and increasing its facilities and use; enter into such arrangement.....with the Friends of the Library of Hawaii, for the purpose of obtaining.....the use of books and property....."

Topic 22 - Research programs

No legislation on this subject has been found, but statements appearing on p. 16 of the Annual Report indicate that serious study is being given both by the Department and by school and local groups to the improved and wider use of AV media. There may be some research.

Under the broad general powers of officials at the State level, referred to at the beginning of Part IV above, it is reasonable to believe that research may be conducted by staff members of the Department or otherwise in the improvement of the educational system.

State: Hawaii

PART IV - continued (13)

Topic 23 - Institutes

(b) General - R. L. 1955, Sec. 37-15 reads as follows: "The Department may establish and maintain one or more teachers' conventions or institutes, or it may authorize and permit their establishment by and among its teachers, and may direct and authorize the attendance of teachers thereat, as a part of their duties, and may permit the closing of schools at specified limited times, in order to permit their attendance at such conventions and institutes."

Topic 24 - Other established procedures

(a) Specific - Draft #1, dated 11/16/61, of Department of Education Regulation 6144.1, relates to establishment of an Audio-Visual Center for circulating educational motion pictures and other instructional materials among the public schools of Hawaii and certain other organizations. It is not known whether or not the Center has been established or the Regulation has been approved by the Governor, pursuant to Sec. 37-7, to become effective. But Act 125, 1961, p. 152 of the Session Laws shows an appropriation of $44,115 for an "Audio-Visual Center" to the University of Hawaii which might be available for use of the public schools. (See Part III for text of Draft Regulation 6144.1.)

(b) General - Laws 1959, Act 253, 1960 Supp. to 1955 R. L. Chap. 44, describes a procedure which is not applicable to the use of AV in the public schools but which might serve as a model for a similar undertaking for that purpose. It provides for participation by Hawaii, together with Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, in the Western Regional Compact. This provides for establishment of a Western Interstate Commission as a body corporate in each participating State to supply adequate services and facilities for graduate and professional education of citizens of compacting States. It is conceivable that the services and facilities might extend to some AV equipment which might be made available also to pupils in the elementary and secondary public schools. But some similar new compact might be made to pool or exchange resources of AV material among the several States for the primary benefit of the public schools.

IDAHO (1959-60)

Enrollment in full-time public schools:

Elementary	120,414
High School	42,425
Number of school districts (including non-operating)	156
Number of elementary schools	420
Number of high schools (including junior high)	215
Expenditure per pupil in average daily attendance	$290

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960. OE-20006-60, pp. 6-7, 9, 11.

IDAHO

County, Joint, and Independent Superintendencies

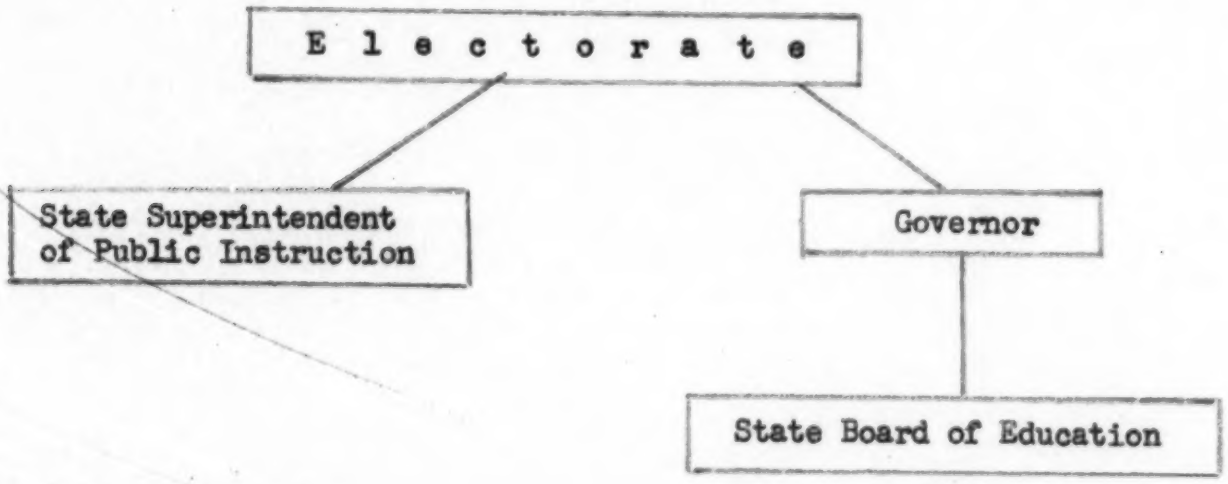
The office of County School Superintendent has almost been abolished in Idaho. Of the 44 counties in the State, 4 have superintendents and 2 have clerks of the county boards of education administering the schools in the nonreorganized areas in their particular counties. All six of these officers serve on a part-time basis. In the other 115 school districts, 43 are joint and 72 are independent city or town superintendencies. The superintendents of the 4 county superintendencies perform all administrative functions for areas comprised of two or more local districts, each district operating its schools independently.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-1961, Part 2, OE-20005-61, p. 43.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 65-66.

I D A H O

1. State Educational Structure Chart (relating only to elementary & secondary public schools)



2. State Education Boards

a. Schools...

State Board of Education.--Consists of 6 members, the State superintendent of public instruction ex officio and 5 persons appointed by the governor. Appointive members hold office for overlapping 5-year terms, 1 being chosen each year. The law directs that all appointive members be chosen solely on consideration of their ability to serve efficiently the interests of the people and of education in Idaho without reference to party affiliation or religion and that such members must be qualified electors and taxpayers of Idaho for at least 3 years prior to the dates of their appointments.

3. Chief State School Officer

The State superintendent of public instruction is a constitutional officer in the executive department of the State government. He is elected on a partisan ballot by the qualified electors of the State and holds office for a 4-year term. No person may be a candidate for the office of State superintendent (a) who does not hold a valid State or State life certificate, (b) who is not at the time of nomination a graduate of an approved normal school, college, or university as determined by the State board of education, and (c) who is also actively engaged in the State public schools or in the State educational institutions.

7. Coordination of the State Education System Through Structure

The State superintendent of public instruction and the State board of education are jointly responsible for the coordination of the State program of elementary and secondary education. The 5 appointive members and the State superintendent constitute the identical membership that serves on 3 educational boards; namely,...the State board of education...

8. Coordination of the State Education System Through Ex Officio Memberships

The State superintendent of public instruction is an ex officio member of the State board of education and is its executive secretary.

9. Fiscal Coordination

The State board of education is the sole education agency submitting budgets to the State budget director. The State budget director, an appointee of the governor, serves in a staff capacity to the governor in the preparation of the executive State budget. After analyzing the budget requests submitted to him by the State board of education, the State budget director has authority to approve, disapprove, or alter any estimates made by the board provided that he includes in his report to the governor as chief budget officer his reasons in writing for such approval, disapproval, or alteration.

Using the report of the State budget director as a guide, the governor holds hearings with the State superintendent of public instruction, who serves as the executive officer of the board and the director of finance for the board. The governor then determines what estimates should be included in the executive State budget which he submits to the legislature with his budget message.

IDAHO

(All references are to Title 33, Idaho Code (1948). Where sections are revised and the revised sections rewritten in the 1961 Cumulative Pocket Supplement, this is indicated.)

Outline of State Educational Organization

State Board of Education

Creation - Section 33-101 creates a state board of education "for the general supervision, government and control of the public schools of the state."

Appointed by the governor (Section 33-102). (5 appointive members and member (state superintendent is ex officio/

Executive officers of state board - Powers and duties (Section 33-113, Supplement):

Exercise supervision and inspection over all departments of public education, enforce the school laws, study the educational conditions and needs of the state, approve changes, recommend changes to the legislature or new legislation.

Prepare budget and direct and control all expenditures of funds appropriated for the maintenance and improvement of state educational institutions. Supervise, direct and control all plans and specifications for such improvements, including ".... equipment, fixtures, apparatus and supplies."

Prescribe minimum course of study for the public schools.

Determine how and under what regulations textbooks shall be adopted.

Have general supervision of the work ofthe county and city superintendents.

Supervise, govern, direct normal schools and teachers' institutes. Supervise and control certification of teachers.

Supervise, govern and direct state library board.

Standardize, approve, compile, adopt and, if advisable, publish reports covering all essential phases of administration.

Establish standards for elementary schools and accreditation of secondary schools (Section 33-116, Supplement).

State board shall prescribe courses of study required for teachers' certificates (Sec. 33-119)

School Districts

Intermediate school supervisory unit - Creation - Territory

Section 33-302 - creates an intermediate school supervisory unit in each county, to function between the stae board of education and the local school districts ofthe state, and to comprise the combined territory administered by the respective school districts of such county.

IDAHO

(All references are to Title 33, Idaho Code (1948). Where sections are revised and the revised sections rewritten in the 1961 Cumulative Pocket Supplement, this is indicated.)

County board ofeducation (All references are to the Pocket Supplement)

Section 33-103: "The intermediate school supervisory unit shall be under the direction and control of a board to be known and designated as 'county board of education,' whose members shall be laymen and qualified electors of the county, shall be chosen as provided by law, and shall be officers of such intermediate school supervisory unit."

Section 33-306: "A county board of education formed hereunder shall be designated as 'county board of education of _____ county,' and the office thereof shall be at the county seat of such county. The county superintendent of public instruction shall serve as secretary and executive officer, respectively, of such county board of education. ... "

/However, school district reorganization is apparently going on in Idaho and in counties in which the reorganization has been completed, the county board of education and the office of county superintendent of public instruction, are abolished (Sec. 33-317)/.

Reorganized School Districts

School districts, as reorganized, are classed A, B and C, dependingon facto s such as assessed valuation and grades taught. (Sec.35-502 - Suppl.)

Sec. 33-503 set up a state committee to be appointed by the state board of education for the reorganization ofschool districts within the state of Idaho. In addition, each county is to set up a county committee for the reorganization of school districts within the county.(~~xxxxxxxxx~~ Sec. 33-506 - Suppl.)

Board of trustees of reorganized school district

Sec. 33-512 (Supple.): Class "A" school district board of trustees to be elected in the manner provided by law for election of school trustees, each trustee to represent one trustee-district and to be voted for and elected only by voters of his trustee-district of residence. Same procedure for "Class B" and "Class C" district trustees.

/Sec. 33-513-Suppl. states this reorganization to be completed on or before June 30, 1961, and any independent class A school district still unreorganized on that date to become a classA school district./

Boards of trustees--Powersand Duties

Sec. 33-522(Suppl.) lists certain specific powers which the board of trustees shall not have (except as otherwise prescribed by the state board of education):

(1) to adopt a course of study for the public school system of such district,

(2) to prescribe the examinations, tests or

(All references are to Title 33, Idaho Code (1948). Where sections are revised and the revised sections rewirtten in the 1961 Cumulative Pocket Supplement, this is indicated.)

qualifications necessary for pupils to enter the variousgrades of the elementary schools and of the high schools of such district,

(3) to adopt text books for their public school system, or to make contracts with the publishers of text books.

These powers and duties are specifically reserved to the state board of education.

Sec. 33-701: "Every school district hall be governed by a board of trustees..."

Sec. 33-714(Suppl.) "Trustees--Duties and powers.--The board of trustees of all school districts in the state of Idaho shall have power and it is its duty to: ..." /Only those considered pertinent to this study are included./

Employ certified teachers.

Make by-laws and rules and regulations for its government and that of the district not inconsistent with the laws of the state or with the rules and regulations promulgated by the constituted authorities.

Employ necessary help and labor tomaintain and operate the schools.

Acquire or purchase necessary equipment for the schools.

Have charge of all school property and receive and hold in trust all real estate or other property conveyed to the district.

Enter into contracts for repair or construction, for the acquisition or purchase of equipment and supplies.

School Libraries. "It is hereby made the duty ofthe board of trustees of every school district in the state ofIdaho (except class A and class B school districts) to apply at least three per cent of the moneysannually apportioned to said district to the maintenance and establishment of a school library, the books therefor to be selected from a list approved by the state board of education... A complete report shall be made annually by the board to the county superintendent of the conditions and status of the library and the board is empowered to make such rules and regulations in regardthereto as it may deem expedient."

IDAHO

(All references are to Title 33, Idaho Code (1948). Where sections are revised and the revised sections rewritten in the 1961 Cumulative Pocket Supplement, this is indicated.)

To report on financial condition in the respective school districts. To audit accounts. "Whenever in its judgment the public welfare demands it, the state board of education may direct the trustees of any school district in the state of Idaho to cause an examination of the books and accounts ... to be made ..."

Required to visit every school at least once each term and to examine carefully into its management, condition and needs.

Required to advertise for bids in letting any contract calling for the expenditure of $1,000 or more (Sec. 33-720-Suppl.).

Independent class A districts (Sec. 33-717) to employ a superintendent of schools and prescribe powers and duties for such official.

Supervision

Sec. 33-721: "All school districts shall be under the supervision of the state board of education and board of regents of the university of Idaho, and all questions of management, support and control arising under the provisions of this act, and not expressly provided for herein, shall be subject to the determination of said state board of education and board of regents of the University of Idaho, and they are hereby expressly authorized and empowered to take such action as may be necessary for the management, support and control of any school districts."

IDAHO

(All references are to Title 33,Idaho Ca e (1948). Where sections are revised and the revised sections rewritten in the 1961 Cumulative Pocket Supplement, this is indicated.)

1. Audio-visual aid legislation and regulations

No specific provisions.

IDAHO

(All referances are to Title 33, Idaho Code (1948). Where sections are revised and the revised sections rewritten in the 1961 Cumulative Pocket Supplement, this is indicated.)

2. Planningthe use of AV aids

The state board of education has broad general powers reaching into every facet of educational life in the schools in Idaho. The pertinent powers are found in Section 33-113 ('61 Supplement) and include:

> Exercising supervision and inspection over all departments of public education, studying the educational conditions and needs of the state and recommending changes to the legislature.
>
> Through its budget provisions, supervising plans for improvements.

These provisions seem to include any authority needed in planning use of AV aids. The state board seems to have almost exclusiveauthority in this region in Idaho. Section 33-721 places all school districts under the supervision of the state board of education and board of regents of University of Idaho and all questions of management, support and control (not expressly provided for, are subject to the determination of the state board. Since no express provisions which would authorize the school districts to plan for AV equipment were found, it could be construed that only the state board has such authority.

IDAHO

(All references are to Title 33, Idaho Code (1948). Where sections are revised and the revised sections rewritten in the 1961 Cumulative Pocket Supplement, this is indicated.)

3. Preparing curricula

Under Section 33-113 (Suppls.) the state board is to prescribe the minimum course of study for the public schools. This duty is apparently reserved to the state board (Sec. 33-522-Suppl. specifically removes this function from the duties of the boards of trustees of school districts.).

Section 33-1203 requires teachers to "use the text books provided for the schools of the state; enforce the course of study and the rules and regulations prescribed by thestate superintendent."

(All references are to Title 33, Idaho Code (1948). Where sections are revised and the revised sections rewritten in the 1961 Cumulative Pocket Supplement, this is indicated.)

4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available.

Section 33-113 (Suppl.), giving the state board of education supervisory powers over all departments of public education and over the work of the county and city superintendents, could be cited as authority for this function. The boards of trustees of school districts are to visit the schools directly and examine management, condition and needs (Sec. 33-714 (Suppl.)).

The reports of the state board (Sec. 33-113 (Suppl.)) could conceivably include information relating to AV aids available which lists could then be made available to teachers and personnel using AV equipment. If AV aids are made available through the library services, Section 33-2629 (Suppl.)) could be cited as authority for publishing lists. The pertinent duty listed in that section reads as follows: /The library board shall have power/ "To provide for the purchase and loan of books and other media of communication, and for the dissemination of information to the citizens of the library district in any manner whatsoever."

Attention is drawn again to Section 33-113 (Suppl.) concerning the powers and duties of the state board. It is to: "Prescribe rules and regulations for the holding of teachers' county and joint county institutes, such institutes being convened as provided by this chapter at such times and places as shall be determined by the county superintendents of the respective counties" and to "supervise, govern and direct the work of the state summer normal schools and teachers' institutes..." If teachers' institutes are used as the means of giving advice and disseminating information relating to the use of AV equipment in the schools, authority is found in this citation.

IDAHO

(All references are to Title 33, Idaho Code (1948). Where sections are revised and the revised sections rewritten in the 1961 Cumulative Pocket Supplement, this is indicated.)

5. Organizing AV units

No specific references. Resort would have to be had to general functions of the state board (Sec. 33-113, Suppl.), listed herein under the topic "Outline of State Educational Organization."

IDAHO

(All references are to Title 33, Idaho Code (1948). Where sections are revised and the revised sections rewritten in the 1961 Cumulative Pocket Supplement, this is indicated.)

6. Conferring on AV use outside of state educational structure

No specific provisions. Ample authority is found, however, in the general powers and duties given to the state board ofeducation(as listed in Section 33-113 (Suppl.)). The following quomtation is significant: /The state board ofeducation shall/ "Perform all duties prescribed by the state school laws of this state, not inconsistent with the provisions of this chapter; exercise supervision and inspection over all departments of public education supported in whole or in part by state funds of this state, enforce the school laws of the state, study the educational conditions and needs of the state; and approve all proposed changes or additions to existing school laws and recommend to the legislature all such needed changes in existing laws or additional legislation." In addition, the state board isto cooperate with other departments of the state government and see to it that rules relating to schools, health, compulsory education, child labor and child conservation are enforced and "shall plan an active campaign for the public conservation of childhood." Such "cooperation" could easily set the pattern for conferences on AV use. The state board is also to "Supervise, govern and direct the state library board and adopt such regulations for its administration as may contribute to ~~x~~ its efficiency in the service of the people and in promoting the educational welfare of the state" (Sec. 33-113 (Suppl.)). /Refer to citations under Topic 19. "Library programs./ Where the library board provisions are utilized to cover AV aids, conferences with library officials could cover the topic of AV use outside of the state educational structure.

IDAHO

(All references are to Title 33, Idaho Code (1948). Where sections are revised and the revised sections rewritten in the 1961 Cumulative Pocket Supplement, this is indicated.)

7. Selecting AV aids

No specific provisions. Authority might be found in citations listed under Topics 3 "Preparing curricula" and 8 "Selecting textbooks." Reference might also be made to comments under Topic 2, above, "Planning the use of AV aids," inasmuch as any authority for planning would also necessarily include authority for selecting. These references are to authority at the state level. It might be added that Section 33-714 (Suppl.) gives the board of trustees ofschool districts power to acquire or purchase necessary equipment for the schools and to enter into contractsfor repair or construction, for the acquisition or purchase of equipment and supplies. These provisions to purchase and contract for would necessarily entail the function ofselecting.

/Also, refer to citations under Topic 19 "Library programs" for possible use as authority where it is felt AV aids can come under the library program./

/Also, see comments under Topic 9, especially referring to Section 35-522 (Suppl.), limiting power of school district boards./

IDAHO

(All references are to Title 33, Idaho Code (1948). Where sections are revised and the revised sections rewritten in the 1961 Cumulative Pocket Supplement, this is indicated.)

8. Selecting textbooks

Section 33-113 (Suppl.): "Acting through its own executive officers, the state board of education and the boardof regents of the University of Idaho shall: ...Determine how and under what regulations text books shall be adopted for the use of ... schools; determine whether or not text books shall be free and prescribe the regulations under which such text books may be provided. The state boardof education shall have and is hereby given power to adopt such plans, rulesand regulations for the adoption of state text books as to the board may seem best and proper."

(Also see comments under "3. Preparing curricula," supra)

IDAHO

(All references are to Title 33, Idaho Code (1948). Where sections are revised and the revised sections rewritten in the 1961 Cumulative Pocket Supplement, this is indicated.)

9. Acquiring AV aids and school Supplies, equipment and textbooks

Section 33-714 (Suppl.) provides that the boards of trustees of all school districts have the power and duty to acquire or purchase necessary equipment for the schools and to enter into contracts for such purpose. Section 33-720 (Suppl.) requires that no board of trustees shall let any contract or contracts which call for the expenditure of $1,000 or more without first advertising for bids. [To the extent that school district boards of trustees are permitted to acquire AV aids, authority for the acquisition could be in these sections.]

Under Section 33-113 (Suppl.), the state board is to "determine how and under what regulations text books shall be adopted for the use of ... schools; determine whether or not text books shll be free and prescribe the regulations under which such text books may be provided. The state board of education shall have and is hereby given power to adopt such plans, rules and regulations for the adoption of state text books as to the board may seem best and proper."

Section 33-522 (Suppl.) is significant in that it limits the power of school district boards with relation to textbooks. Such section provides, in part, "... except as otherwise prescribed by the state board of education, which shall be vested with such powers and duties, no such class 'A,' class 'B' or class 'C' school district shall have any power, authority or duty, ... To adopt text books for their public school system, orto make contracts with the publishers of text books."

IDAHO

(All references are to Title 33, Idaho Code (1948). Where sections are revised and the revised sections rewritten in the 1961 Cumulative Pocket Supplement, this is indicated.)

10. Financing acquisition

Section 33-901 provides that each board of trustees shall prepare, prior to the school district annual meeting, on forms prescribed by the state board ofeducation and furnished by the county superintendent, a budget setting forth the expenditures ofthe district for the past year ~~the~~ and the requirements for the next ensuing school year. The statute includes a list of specific items to be included in the budget. Pertinent among these is the item "equipment." This ~~is~~ includes "educational, scientific and recreational equipment (including desks and books)." It is a ~~broad~~ broadcategory, but could conceivably include audio-visual equipment. The budget is also to includean estimate of the school district's portion of the general school fund and probable revenue derivable from all sources other than special taxation.

The budget is to be submitted at the annual meeting of the board of trustees and the trustees are to hear objections and revise the budget, if necessary. Copies of the revised budget are to be transmitted to the county superintendent and to the state board of education.

[A case note following this section in the Code refers to Copenhaver v. Common School Dist. No. 17, 56 Idaho 182, 52 Pac. (2d) 129, as authority for the following:

> "The requirements of this section were made for the information ofthe electors present at the ~~a~~nnual meeting, in order that they have an ~~a~~ opportunity to compare the proposed budget with the expenditures of the past year, and to aid in determining the necessity and wisdom of making the proposed expenditures."
>
> "This section requires a minute and ~~detailed~~ detailed statement of all possible expenses for teachers' salaries, each kind of material, equipment, labor, taxes and insurance that may be required for a school district."]

Section 33-902(Suppl.) requires the annual meeting in common, joint common, class C and joint class C school districts to determine the amount of taxes to be raised by special levies and sets a statutory limit to such levies.

Section 33-904 (Suppl.) gives the board of trustees ofcommon and joint common school districts power when the annual meeting neglects or refuses to levy a special tax, to maintain the schools, to levy such special tax, not to exceed ten mills upon all the property of the district.

Section 33-905 (Suppl.) refers to the procedure to be followed in school districts other than common or class C. The board of trustees ~~i~~ is to hold a public hearing upon the budget of the school district and the electors have an opportunity to sign a petition calling for an election on the question of the special tax levy being made for the "maintenance and operation ofthe school or schools ofsuch district for the fiscal school year next succeeding." The term "maintenance and operation" is to include "maintenance and operation ofthe general school plant and program, including

school transportation routes, gymnasiums and playgrounds, and operation and maintenance of any other kind, whatsoever, not otherwise and separately listed in this section.

Section 33-1009 states, "There is hereby created a fund in the state treasury to be known as the 'public school income fund.' All income from the public school funds; the proceeds ofall state taxes levied for public school purposes; and all other money received by the state for public school purposes, other than permanent or trust funds, national forest reserve moneys received for public school purposes, andgrants of federal moneys received for special school purposes, together with state appropriations to match such funds, shall be placed ~~th~~ in this fund and shall be transferred and paid therefrom and apportioned as provided in section 33-1011."

Section 33-1011 (Suppl.) and ~~thesefollow~~ those following deal with apportionment of school fundsto counties and accounting procedures (not considered pertinent). It should be noted that reports are to be received by the state board of education quarterly each year and that moneys are then distributed among the several counties from which reports have been received. However, irrespective of whether such reports have yet ~~be~~ been received, th state board of education is to compute on July 15 of each year "the ratio the moneys in the publicschool income fundbears to forty percent of the total apportionments from such funds for the preceding year, and shall apportion to each county said ratio of the apportionments to such county for the precedingyear, but in no case shall ~~a~~ any county receive an amount in excess of said forty percent."

IDAHO

(All references are to Title 33, Idaho Code (1948). Where sections are revised and the revised sections rewritten in the 1961 Cumulative Pocket Supplement, this is indicated.)

11. Regulating use of AV aids and keeping statistics on use and using ~~personnel~~ personnel

No specific provisions. Reference is made to citations listed in connection with the topic "Outline of State Educational Organization," particularly those dealing with powers and duties of the state board, and specifically Section 33-113 (Suppl.). The general supervisory, regulating and directing authority given thestate board would cover this function. In addition, the state board is required to publish reports covering all essential phases of administration. At the lower level, the school district board oftrustees is empowered to employ necessary help, to make rulesand regulations for the government of the school district not inconsistent with the laws ofthe state or the state board rules and regulations, to visit the schools, and to make reports (Sec. 33-714 (Suppl.)). These duties could include the function listed above, in any case where the state board has not preempted the field.

IDAHO

(All references are to Title 33, Idaho Code (1948). Where sections are revised and the revised sections rewritten in the 1961 Cumulative Pocket Supplement, this is indicated.)

12. Distributing AV aids

No specific provisions. Refer to citations under Topic 9 "Acquiring AV aids," inasmuch asauthority to acquire would include authority to distribute the acquired equipment. General authority is also found for district boards of trusteesto distribute AV equipment in their general powers and duties listed in Section 33-714 (Suppl.), referred to in the "Outline of State Educational Organization," supra.

Section 33-2629 (Suppl.) relating to the library board might also be pertinent. The library board of trustees has power to provide for the purchase and loan of books and other media of communication. Where this item is deemed to include AV equipment, authority isreadily found for distributing the same in the word ~~items~~."loan."

IDAHO

(All references are to Title 33, Idaho Code (1948). Where sections are revised and the revised sections rewritten in the 1961 Cumulative Pocket Supplement, this is indicated.)

13. Producing AV aids

No general or specific provisions were found. Reference is made in the Code tothe state institutions under the control ofthe state board, but no reference could be found to a program in any college which might be connected with the production of movies, film, etc., although conceivably such courses and functions do exist. The stateof Idaho hasentered into a compact with other states, known as the "Interstate compact for Western Regional Cooperation in Higher Education" (Sec. 33-4001 (Suppl.)), which is for the purpose of improving facilities in higher education in technical, professional and graduate training. ~~The Western Interstate Commission for higher Education" is established and amongst its duties is listed the duty to undert~~ /This is not pertinent in itself, but investigation might be worthwhile to determine whether TV or movie production for educational use is amongst the programs of this new organization./

No specific provisions. However, the general powers and duties of the State Board of Education, Sec. 33-113, to study the educational conditions and needs of the State and exercise supervision over all departments of public education, as well as the power granted by Sec. 33-721 to this board and the Board of Regents of the University of Idaho (identical with it) to take such action as may be necessary for the management, support and control of any school districts, might be extended to producing some forms of AV aids for use of schools.

IDAHO

(All references are to Title 33, Idaho Code(1948). Where sections are revised and the revised sections rewritten in the 1961 Cumulative Pocket Supplement, this is indicated.)

14. Certificating teachers
(Suppl.)

Section 33-1306 requires a minimum of four years of accredited college training, including "such professional training asthe state board of education may require" before receiving a standard certificate issued by the state board.

On the authority of Section 33-113 (Suppl.), the state board of education and the board of regents ofthe university of Idaho shall: "Have entire supervision and control ofthe certification of teachers in accordance with law and shall have authority to modify or simplify at its discretion the procedure in carrying out the provisions of law; prepare or cause to be prepared examination questions for all classes of teachers' certi icates requiring written examinations."

~~Apparently, the state board has wide discretion in establishing the minimum professional training at state teacher training colleges. There is no specific reference in the law to the course of study at these institutions.~~

Section 33-119 provides that the state board of education shall prescribe for all schools, colleges and academies within th state of Idaho, above the grade of high schools, courses ofstudy required for and leading to teachers' certif icates and also for the purpose of accrediting such institutions of higher learning.

Section 33-1304 states that the state board ofeducation shall, by uniform regulations, prescribe specific minimum requirements for courses for teachers which shall be completed as prerequisites for certification.

IDAHO

(All references are to Title 33, Idaho Code (1948). Where sections are revised and the revised sections rewritten in the 1961 Cumulative Pocket Supplement, this is indicated.)

15. Prescribing qualifications ofusing personnel

No specific provisions. The provisions in Section 33-113 (Suppl.) (listed in "Outline of State Educational Organization") listing the power of the state board to supervise and control certification of teachers and those set forth under Topic 14 "Certificating teachers" clearly give the state board authority to prescribe qualifications fo teachers and if teachers are to be the "using personnel," this authority would be ample for this function. The boards of trustees of the schools districts are empowered to "employ necessary help" (Sec. 33-714 (Suppl.)), and, presumably, could set up qualifications of the help employed. If "help" includes personnel showing films, etc., then authority is here found for the school district boards of trustees to perform this function.

IDAHO

(All references are to Title 33, Idaho Code (1948). Wheresections are revised and the revised sections rewritten in the 1961 Cumulative Pocket Supplement, this is indicated.)

16. Accrediting schools

Section 33-116 (Suppl.) provides, in part, "The state board of education is hereby empowered to establish standards for accreditation of secondary schools in this state and to set forth minimum requirements to be met by any secondary school, includingsecondary schools in chartered districts, for accredited status. The state board of education is further empowered to establish requirements and standards for the elementary schools of the state, including those in chartered districts, which they may deem advisable and necessary."

State: Idaho

17. Building or remodeling schools to facilitate AV use

The general supervisory powers of the State Board of Education, Sec. 33-113 (Suppl.) to control all plans and specifications for improvements, and other supervisory powers in Sec. 33-721, can be extended to regulating school construction in such a way as to facilitate the use of AV aids.

"To assure compliance with State Board of Education regulations, plans for all school sites and construction must be reviewed and approved by the State Department of Education." p. 17, Organization, Services, Responsibilities, State of Idaho, State Department of Education, January, 1961

IDAHO

(All references are to Title 33, Idaho Code (1948). Where sections are revised and the revised sections rewritten in the 1961 Cumulative Pocket Supplement, this is indicated.)

19
~~17.~~ Federal aid to schools

Section 33-127 (Suppl.): In anticipation that the Congress of the United States of America shall provide for Federal financial or other assistance in furtherance ofthe cause of education in the various states, the state board of education of the state ofIdaho is hereby designated as the state educational agency which shall be, and hereby is, authorized to negotiate and contract with andto accept financial or other assistance from the United States of America or any agency thereof, under such terms and conditions as may be prescribed hereafter and from time to time by congressional enactment designed to so further the cause of education."

State: Idaho

19. State aid to schools

Sec. 33-113. The State Board prepares the budget and directs and controls all expenditures of funds appropriated for the maintenance and improvement of State educational institutions. Under other sections it apportions the appropriations among the school districts, which are required by Sec. 33-714 (Suppl.) to spend at least 3% of amounts apportioned to them for the purchase of books approved by the State Board for use in their school library.

Sec. 33-721. This section, which relates to supervision, is significant otherwise with reference to State support, by implication of powers to extend State aid when necessary. It reads as follows:

> "All school districts shall be under the supervision of the state board of education and board of regents of the university of Idaho, and all questions of management, support and control arising under the provisions of this act, and not expressly provided for herein, shall be subject to the determination of said state board of education and board of regents of the University of Idaho, and they are hereby expressly authorized and empowered to take such action as may be necessary for the management, support and control of any school districts."

The source of State aid, other than direct appropriations, and the method of allocating it are described in Secs. 33-1009 and 33-1011 respectively.

> Section 33-1009 states, "There is hereby created a fund in the state treasury to be known as the 'public school income fund.' All income from the public school funds; the proceeds of all state taxes levied for public school purposes; and all other money received by the state for public school purposes, other than permanent or trust funds, national forest reserve moneys received for public school purposes, and grants of federal moneys received for special school purposes, together with state appropriations to match such funds, shall be placed in this fund and shall be transferred and paid therefrom and apportioned as provided in Section 33-1001."

> Section 33-1001 (Suppl.) and those following deal with apportionment of school funds to counties and accounting procedures (not considered pertinent). It should be noted that reports are to be received by the state board of education quarterly each year and that moneys are then distributed among the several counties from which reports have been received. However, irrespective of whether such reports have yet been received, the state board of education is to compute on July 15 of each year "the ratio the moneys in the public school income fund bears to forty percent of the total apportionments from such funds for the preceding year, and shall apportion to each county said ratio of the apportionments to such county for the preceding year, but in no case shall any county receive an amount in excess of said forty percent."

IDAHO

(All references are to Title 33, Idaho Code (1948). Where sections are revised and the revised sections rewritten in the 1961 Cumulative Pocket Supplement, this is indicated.)

~~18.~~ 20 Private aid to schools

No specific authority to receive private aid was found at the state level. In Section 33-714 (Suppl.) the board of trustees of a school district is empowered to receive and hold in trust all real estate or other property conveyed to the district. Presumably, this could include donated property as well as purchased. Section 33-2607 (Suppl.) makes the library board the special trustees of any money, personal property or real estate donated for the benfit of the library.

IDAHO

(All references are to Title 33, Idaho Code (1948). Where sections are revised and the revised sections rewritten in the 1961 Cumulative Pocket Supplement, this is indicated.)

~~19.~~ 21. Library programs

~~xxxxxxx~~ 33-2501 (Suppl.): "The state library board shall consist of the state superintendent of publicinstruction, as ex officio member, and three members appointed by the governor ..."

Section 33-2502 (Suppl.): "There shall be an Idaho State Library, with the responsibility to foster and promote library service in the state of Idaho, with the state librarian as ~~is~~ its chief administrative officer." The state library~~xxxxx~~board is to manage the state library and to make such rules concerning the library and booksand property pertaining thereto as it deems necessary. The board is to cause books to be distributed throughout the state and to cooperate with themanagement of publicschool libraries. It may also receive donations of money, books or other property for the benefit of the Idaho State Library, with title to vest in the state of Idaho. The board is to report biennially to the governor, with such recommendations as it deems proper.

Section 33-2602 (Suppl.) permits the trustees of a school district in which there is no town having a population in excess of one thousand and in which there is no public library to submit to the electors (upon petition of twenty electors) the question of establishing a library. If the vote is in favor of the proposition, the trustees have authority, annually, to levy a tax not exceeding two mills on the taxable property to be applied to the establishment and maintenance ofsuch a library, and the trustees have power to contract for library services with an existinglibrary district and to become part of such existinglibrary district.

Section 33-2603 (Suppl.) provides for a board of five library trustees (appointed by city council).

Section 33-2604: "Said trustees shall ... make and adopt such by-laws, rules and regulations for their own guidance and for the government of the library and reading room as may be expedient. They shall have the exclusive control of the expenditure of all moneys collected for the library fund, and the supervision, care, and custody of the room or buildings constructed, leased or set apart for that purpose; and such money shall be drawn from the treasury by the proper officers ..."

Section 33-2606 (Suppl. requires the library trustees to file an annual report with the state library board, stating how much has been expended, the number of books on hand, the number added by purchase, gift or otherwise, etc., together with such other statistics, information and suggestions asthey may deem of general interest.

Section 33-2607 (Suppl.) makes the library board the special trustees of any money, perennal property or real estate donated for the benefit of the library.

Section 33-2609 (Suppl.): "It is hereby declared to be the policy ofthe state ofIdaho, as a part ofthe provisions for public education, to promote the establishment and development of free library service for all the people of Idaho. It is the purpose of this ~~xx~~ act to make more adequate provision for an informed electorate by integrating, extending, and adding to existing library services and resources in such manner that free local library service

may be available to children in their formative years and to adults for their continuing education.

Section 33-2627 (Suppl.): "Library districts shall be public corporations and they may contract and be contracted with, sue and be sued in their corporate name, but no contract shall be entered into unless first authorized by the board of trustees. At its first meetingand each year thereafter the board shall select from its membership such officers as it deems necessary to conduct the business of the district."

Section 33-2628 (Suppl.) provides that the board of trustees of the library district is to appoint a qualified person (need not be a member of the board of trustees) to act as treasurer of the library district. All moneys raised for the library district by taxation or received from other sources are to be paid over to him and he is to disburse the funds ofthe district upon warrants drawn by the board oftrustees pursuant to vouchers approved by the board.

Section 33-2629 (Suppl.) sets forth the miscellaneous powers of the library board of trustees. "The board of trustees of any library district organized under the provisions of this act*shall manage and control all the affairs ofthe library district.* It shall have power to make all rules and regulations for the discharge ofits responsibility." Among the specifically enumerated powers are the following:

> To establish and locate conveniently a sufficient number of libraries, branch libraries, or stations to serve the library district, within the resources available, and to provide suitable rooms, structures, facilities, furniture, apparatus and other articles and library appliances necessary for the thorough organization and efficient management of such libraries.
>
> To provide for the purchase and ~~xxxx~~ loan of booksand other media of communication, and for the dissemination of information ~~xx~~ to the citizens ofthe library district in any manner whatsoever.
>
> To make rules and regulations for rental of library property, including books.
>
> /These are not all of the powers listed in this section, but merely the ones deemed pertinent./

The board of trustees of a library district may purchase library services (Sec. 33-2631(Suppl.)) or may contract to sell library services to a city, village, school district, etc. (Sec. 33-2632(Suppl.)).

Section 33-2636 (Suppl.) deals with reports. The board of trustees of each library district is to file annual reports with the state library board on the operations for the year, with full particulars as to financial transactions and each library district must have performed an audit in the same manner as is required of Class A school districts.

Section 33-2637 (Suppl.) provides that the state library board shall report biennially to the governor and the legislature, showing materials added to and withdrawn from the collections and the use made of library resources in the library districts.

*Library District Enabling Act of 1955 (1955, Ch. 127).
Secs. 33-2609 - 33-2638 of Supplement.

IDAHO

(All references are to Title 33, Idaho Code (1948). Where sections are revised and the revised sections rewritten in the 1961 Cumulative Pocket Supplement, this is indicated.)

20. Research programs

No specific provisions. Reference is made to Section 33-113 (Suppl.), referred to heretofore, including among the general powersand duties of the state board power to study the educational conditions and needs of the state and recommend changes or new legislation. This function would involve research and could include the topic of AV aids. The school district board of trustees (Sec. 33-714 (Suppl.)) is required to visit the schools and examine carefully management, condition and needs. This might involve a research program at this level related to the needs of a particular school or schools and could include study of the merits of adding AV aids in certain cases.

The ratification by the State of Idaho, in Section 33-4001 (Suppl.) of the Code of the Interstate Compact for Western Regional Cooperation in Higher Education (heretofore entered into between the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, and the Territories of Alaska and Hawaii), while out of the realm of elementary education, might conceivably be cited as authority for a research program designed eventually to reach into the schools. [No further details are listed here as it may be completely outside the scope of this topic.]

Reference should be made to the function of the state board (Sec. 33-113 (Suppl.)) to supervise and direct the work of the teachers' institutes. To the extent that such institutes could further research into the use of AV aids, this section could be cited as authority therefor.

State: Idaho

23. Institutes

Sec. 33-113(Suppl.), relating to powers and duties of the State Board of Education, provides in part:

> "Prescribe rules and regulations for the holding of teachers' county and joint county institutes, such institutes being convened as provided by this chapter at such times and places as shall be determined by the county superintendent of the respective counties"..... and to "supervise, govern and direct the work of the state summer normal schools and teachers' institutes....."

State: Idaho

24. Other procedures

Sec. 33-4001(Suppl.). The State of Idaho has entered into a compact with other States, known as the "Interstate Compact for Western Regional Cooperation in Higher Education" for the purpose of improving facilities in higher education in technical, professional, and graduate training. This could serve as a useful model for a similar organization to improve and increase the use of AV aids among member states -- particularly television and radio.

PRECEDING PAGES MISSING - Parts - I + II

State: Idaho

Source of information unless otherwise stated: Title 33, Idaho Code (1948) with 1961 Cumulative Pocket Supplement.

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

There is no statutory authority relating specifically to audio-visual media and their use.

State: Idaho

Source of information unless otherwise stated: Idaho Code (1948), Title 33, with 1961 Cumulative Pocket Supplement.

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject.
Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes 2. Planning the use of AV aids

(b) Sec. 33-113

Yes 3. Preparing curricula

(a) Secs. 33-113, 33-1203

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

(b) Secs. 33-113, 33-2629,

Yes 5. Organizing AV units and cooperative activities

(b) Sec. 33-113

Yes 6. Conferring on AV use outside of State educational structure

(b) Sec. 33-113

State: Idaho

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)

(b) Sec. 33-714

See also citations under Topics 3, 2, 8, 9, 19

Yes 8. Selecting textbooks (and observing academic freedom)

(a) Sec. 33-113
See also citations under Topic 3

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

(a) Secs. 33-714, 33-720, 33-113, 33-522

Yes 10. Financing acquisition by rent or purchase

(a) Secs. 33-901, 33-902, 33-904, 33-905, 33-1009, 33-1011

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel

(b) Secs. 33-113, 33-714

Yes 12. Distributing AV aids

(b) Secs. 33-714, 33-2629,
See citations under Topic 9

Yes 13. Producing AV aids

Secs. 33-113, 33-721

Yes 14. Certificating teachers and AV professionals

(a) Secs. 33-1306, 33-113, 33-119, 33-1304

Yes 15. Prescribing qualifications of using personnel

(b) Secs. 33-113, 33-714; see also citations under Topic 14

State: Idaho

PART IV (continued)

Yes or No

Yes 16. Accrediting schools
(a) Sec. 33-116

Yes 17. Building or remodeling schools to facilitate AV use
Secs. 33-113, 33-721

Yes 18. Federal aid to schools
(a) Sec. 33-127

Yes 19. State aid to schools
Secs. 33-113, 33-714, 33-721, 33-1009, 33-1011

Yes 20. Private aid to schools
(a) Sec. 33-714, Sec. 33-2607

Yes 21. Library programs
(a) Secs. 33-2501, 2502, 2602, 2603, 2604, 2606, 2607, 2609, 2627, 2628, 2629, 2631, 2632, 2636, 2637

Yes 22. Research programs
(b) Secs. 33-113, 33-714, 33-4001,

Yes 23. Institutes
Sec. 33-113

Yes 24. Other established procedures
Sec. 33-4001

ILLINOIS (1959-60)

Enrollment in full-time public schools:	
Elementary	1,356,360
High School	431,509
Number of school districts (including non-operating)	1,685
Number of elementary schools	3,882
Number of high schools (including junior high)	780
Expenditure per pupil in average daily attendance	$438

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960, OE-20006-60, pp. 6-7, 9, 11.

ILLINOIS

County and Independent School Superintendencies

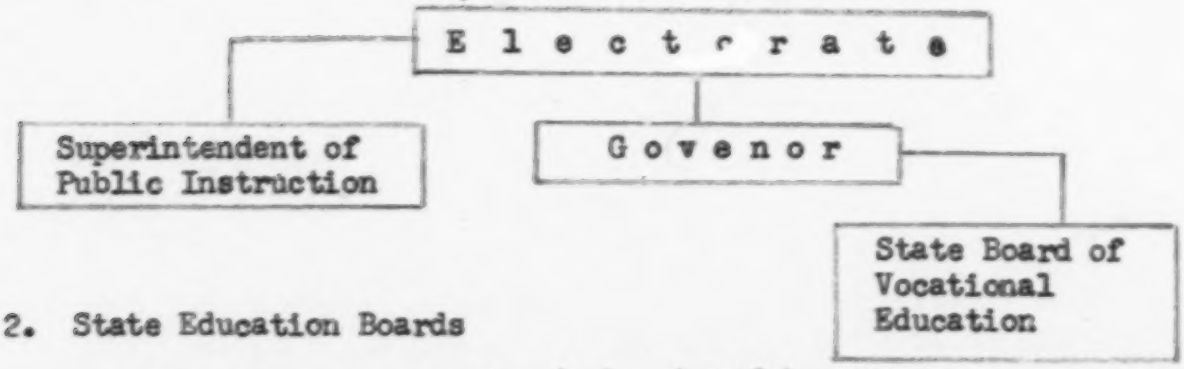
There are 1,667 school superintendencies in the State: 93 county-intermediate superintendencies, 9 partial county-unit superintendencies, 1,565 city or town superintendencies. The superintendents in 15 of the 93 county-intermediate superintendencies perform all administrative functions for areas comprised of two or more local districts, each district operating its schools independently. [illegible]

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 46.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 67-68.

I L L I N O I S

1. State Educational Structure Chart (relating only to elementary & secondary public schools)



2. State Education Boards

   a. Schools... no regular St Board of Educ

      State Board of Vocational Education.--Consists of 12 members. There are 6 ex officio members--the superintendent of public instruction, director of registration and education, director of agriculture, director of labor, director of public welfare, director of public health--and 6 other members appointed by the governor for indefinite terms. An ex officio member may, by official order filed in the office of the secretary of State, appoint a qualified assistant or other subordinate in his department to represent him on the board.

   b. Supplementary programs

      State Teachers Certification Board (administrative).--Consists of 10 members as follows: the superintendent of public instruction who is ex officio chairman, the president of one of the State teachers colleges and normal universities, the president of 1 of the non-state colleges, a professor of education in 1 of the graduate schools located in Illinois, 2 administrators and 2 classroom teachers in the public schools, and 2 county superintendents of schools, each to be appointed for overlapping 2-year terms by the superintendent of public instruction.

3. Chief State School Officer

   The superintendent of public instruction is elected for 4-year terms on a partisan ballot by the qualified voters of the State.

7. Coordination of the State Education System Through Structure

   The superintendent of public instruction is primarily responsible for coordinating the public elementary and secondary education program of the State....

   The superintendent of public instruction serves on....the State teachers certification board.

9. Fiscal Coordination

Four State educational agencies submit budgets to the Illinois budgetary commission. These are (a) the office of the State superintendent of public instruction..... The budgetary request of the State teachers certification board is submitted by the State superintendent of public instruction.

The Illinois budgetary commission is, by the nature of its composition, a committee of the legislature. The commission may make changes in the budgetary requests of the various educational agencies as desired unless such changes are specifically denied by the State constitution or by statutory enactment.

State: Illinois

Source of information unless otherwise stated: Special pamphlet Smith-Hurd Illinois Annotated Statutes, School Code of 1961, including 1961 amendments (incorporated in chapter 122 of the Illinois Revised Statutes)

PART I

Educational Organization

State level:

Department of Education: called none

how organized:

established by:

is it a body corporate:

State Board of Education: called none

established by:

is it a body corporate:

composition:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

Chief state school officer: called Supt. of Public Instruction

office established by: Sec. 2.1

how selected: State wide election, ibid.

is confirmation necessary: no

subject to what control:

to whom reporting: Governor & state legislature, Sec. 2-3.11

term of office: 4 years, Sec. 2.1

staff and who appoints: not stated, but obviously he appoints

Other organization or official: called none described

State: Illinois

PART I

Educational Organization (continued)

Intermediate level:

Organizational unit: called County School District

how organized: Sec. 6-2

composition: all territory in county not governed by legislation for separate city districts, Sec. 6-2, Sec. 5-1

is it a body corporate: No. Board is. See below.

Board of education, if any: called County Board

established by: Sec. 4-1, Sec. 6-2

is it a body corporate: Yes, Sec. 6-2

composition: 7 trustees, Sec. 6-17

how selected: County election, Sec. 6-13

is confirmation necessary: No

subject to what control:

to whom reporting: Supt. of Public Instruction, Sec. 2-3.24

term of office: 6 years, Sec. 6-17

Administrative officer of unit; called County Supt. of Schools

office established by: Sec. 3.1

how selected: County election, Sec. 3.1

is confirmation necessary: No

subject to what control: Supt. of Public Instruction, Sec. 2-3.24 and others and County Board, Sec. 3.5

to whom reporting: Supt. of Public Instruction, Sec. 2-3.24 and County Board, Sec. 3.5

term of office: 4 years, Sec. 3.1

staff and who appoints: as authorized by County Board (Sec. 4-6) and appointed by him with approval of Board, Sec. 3-15.6.

State: Illinois

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called township or district

how organized: Sec. 5-2

composition: township, ibid.

is it a body corporate: No. Board is. See below

Board of education: called (a) board of school directors
(b) board of education

established by: (a) Sec. 10-1
(b) Sec. 5-2, Sec. 10-10

is it a body corporate: Yes, Sec. 10-1, 5-2

composition: (a) 3 trustees, Sec. 10-1
(b) 7 trustees, sec. 10-10

how selected: general election, Sec. 5-4, and Article 9

is confirmation necessary: no

subject to what control: County superintendent, Sec. 5-18

to whom reporting: same

term of office: (a) 6 years, Sec. 5-13
(b) 3 years, Sec. 10-10

Administrative officer of unit: called Supt., if any, in (b)

office established by: Sec. 10-21.4

how selected: appointed by board, same

is confirmation necessary: no

subject to what control: board, Sec. 10-21.4

to whom reporting: board, ibid.

term of office: not stated

staff and who appoints: board, Sec. 20.7

State: Illinois

PART I

Educational Organization (continued)

Local level or independent (continued)

Organizational unit: called (a) Community Consolidated School District (b) High School District, (c) Non-high school district

how organized: (a) Sec. 11-1, by vote of area, (b) Sec. 12-1, vote of area, (c) Sec. 12-10, vote of area

composition: different

is it a body corporate: No. Board is.

Board of education: called (a) board of education

established by: (a) Sec. 11-9

is it a body corporate: Yes, both. Same as other districts, Art. 10

composition: "

how selected: "

is confirmation necessary: No

subject to what control: Same as other districts

to whom reporting: "

term of office: "

Administrative officer of unit: called same as for other districts

office established by: "

how selected: "

is confirmation necessary: "

subject to what control: "

to whom reporting: "

term of office: "

staff and who appoints: "

State: Illinois

PART I

Educational Organization (continued)

Local level or independent (continued)

Organizational unit: called city school district

how organized: in cities of 500,000 or more, Sec. 34-2

composition: city

is it a body corporate: No. Board is, Sec. 34-2

Board of education: called Board of Education

established by: Sec. 34-2

is it a body corporate: Yes, Sec. 34-2

composition: 11 members, Sec. 34-3

how selected: Appointed by mayor, Sec. 34-3

is confirmation necessary: Yes, approval of City Council, Sec. 34-3

subject to what control: evidently mayor

to whom reporting: Supt. of Public Instruction

term of office: 5 years, Sec. 34-3

Administrative officer of unit: called General Supt. of Schools Sec. 2-3.23

office established by: Sec. 34-6

how selected: majority vote of full membership or board, Sec. 34-6

is confirmation necessary: no

subject to what control: evidently board, sec. 34-6, 34-7, 34-9, 34-10, 34-13

to whom reporting: board, Sec. 34-10, 34-9

term of office: 4 years, Sec. 34-6

staff and who appoints: Departments established by board, heads of departments appointed by general superintendent with approval of board

State: Illinois

PART I

Educational Organization (continued)

Schools

Principals (a) class I county school unit
(b) cities of 500.000 or more

appointed by: (a) board, Sec. 10-19
(b) board on recommendation of general superintendent, Sec. 34-8

qualifications: (a) certificate, Sec. 21-1
(b) holding certificate of board, issued on findings of board of examiners, Sec. 34-83

term of office: (b) 3 years or more, Sec. 34-84

Teachers

appointed by: board

qualifications: same as above

certification: Article 21

tenure: same as above

special assignments: not stated, except that certificates are for special subjects and levels, Article 21.

State: Illinois PART II

Source of information unless otherwise stated: Special pamphlet, Smith-Hurd, Illinois Annotated Statutes, School Code of 1961, including 1961 amendments (to be used with Smith-Hurd Illinois Annotated Statutes, published 1959, Chapter 122, Schools, appearing in three volumes. Both the 1961 pamphlet and the 1959 bound volumes, which carry the 1961 pocket part for use in 1962, have cross references to show by section number the correspondence between sections in the new law and sections in the old law, together with changes.) References are to the 1961 school law unless otherwise indicated. The new code is incorporated in Chapter 122, "Schools" of Illinois Revised Statutes, 1961.

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

Superintendent of Public Instruction

Under Illinois law there is no State department of education or State board as such. The superintendent of public instruction is at the top of the school hierarchy and the organization at State level through which he works is called the Office of the Superintendent of Public Instruction.

Pursuant to section 2-1 of the school law of 1961 he is elected by the qualified voters of the State for a term of 4 years. Article 2 sets forth his powers and duties, some of which are as follows:

Section2-3.3 To supervise all the public schools in the State.

Section 2-3.4 To counsel with teachers as to the best manner of conducting public schools.

Section 2-3.5 To advise and assist county superintendents of schools, addressing to them from time to time circular letters relating to the best manner of conducting schools, constructing and furnishing schoolhouses, and examining and procuring competent teachers.

Section2-3.6 To make rules necessary to carry into efficient and uniform effect all laws for establishing and maintaining free schools in the State.

Section 2-3.7 To be the legal adviser of school officers....

Section 2-3.8 To hear and determine all controversies arising under the school laws of the State....

Section 2-3.9 In accordance with specific provisions of article 21, to grant certificates to such teachers as may be found qualified to receive them and to suspend the operation of any such certificates for grounds specified.

Section 2-3.11 To report biennially to the Governor, before the regular session of the General Assembly, the condition of the schools of the State... with reference to a number of items specified, together with such other information and suggestions as he may deem important in relation to the schools, school laws, and the means of promoting education throughout the State...

Section 2-3.16 To authorize the county superintendent of schools to procure such assistance as may be necessary to conduct teachers' institutes.

Sections 2-3.17 through 2-3.20 authorizes him to require reports of county superintendents and various other school authorities and Section 2-3.24 empowers him through his channels of authority to withhold funds from districts or officials failing to report properly.

Section 2-3.25 To determine for all types of schools conducted under the school code efficient and adequate standards for the physical plant.... equipment and supplies, instruction and teaching, curriculum, library, operation, maintenance, administration and supervision, and to grant certificates of recognition to schools meeting such standards....

Section 2-3.26 For the purpose of promoting and coordinating school programs for which federal allotments are available, to cooperate with the United States Department of Health, Education and Welfare in the establishment of such standards as may be deemed necessary by the superintendent of public instruction, and to accept and expend federal funds made available for such purpose.

Section 2-3.31 To maintain a research department to secure information relative to the public school system of Illinois.

Section 2-3.32 To maintain an auditing department. Sections 2-3.27 through 2-3.29 give him broad authority and control over the form, time and method of reporting school budgets and releasing funds to meet them.

County Superintendent of Schools

Illinois has the county intermediate system of school control. Under Section 3-1, both in the new school code and the old one, there shall be elected in every county a county superintendent of schools who enters office nine months after election for a term of four years. He reports to the superintendent of public instruction for some purposes and to the county board for other purposes, but his duties and authority, as defined by the legislature, extend in some respects beyond the customary ministerial functions.

For instance under section 3-9 he apportions to the different schools districts in his county the amount due to the county from the State school fund. Under section 3-10, he renders an opinion in all controveries arising under the school law and in case of appeal certifies a statement of facts to the superintendent of public instruction. Under section 3-11 he arranges for or conducts district, regional or county institutes which may be used as a teachers' workshop when approved by him. With the concurrence of the

superintendent of public instruction, he employs such assistance as is necessary to conduct the institute. Some duties specifically enumerated are referred to below, and following them some powers specifically enumerated.

Duties

Section 3-14.2 He shall exercise superivision and control over all school districts within the county. Section 3-14.3 Sell township fund lands.... Section 3-14.5 Visit each public school in the county at least once a year, noting methods of instruction, branches taught, textbooks used, and discipline. Section 3-14.6 Give teachers and school offices such directions in the science, art and methods of teaching, and in regard to courses of study as he deems expedient. Section 3-14.7 Act as the official adviser and assistant of the school officers and teachers in his county. Section 3-14.8 Conduct a teachers' institute, to aid and encourage the formation of other teachers' meetings, and to assist in their management. Section 3-14.9 Labor in every practicable way to elevate the standard of teaching and improve the conditions of the common schools of his county. Section 3-14.10 Keep available for public inspection a list of all text material used in any school in his jurisdiction. Section 3-14.21 To inspect all public schools under his supervision and notify the trustees of schools whether or not such schools have been kept as required by law.

Powers

Section 3-15.1 Require fiscal and other reports concerning finances. Section 3-15.2 *Recommend to the superintendent of public instruction the* remission of penalties for failure of school officials to report. Section 3-15.5 Remove any member of a school board from office for wilful failure to perform official duties. Section 3-15.6 Employ, with the approval of the county board, such assistance as he needs for the discharge of his duties.

County Board of Trustees

Under section 6-2 a county board of school trustees is created for all the territory in the county except that included in a school district for a city of over 500,000 (Article 34) and except that for any school district whose school board has been given the powers of school trustees. Under this section the county board of school trustees is a body politic and corporate with power to sue and be sued. It consists of seven members distributed geographically by township within the county. Tenure and election are staggered and term of office is six years for each member (section 6-17).

The duties of a county board are very briefly stated in article 4. None of the sections in this article seems to have particular relevance to AV teaching aids with the exception of the following in their general application. Section 4-3 examine, approve or reject the report of the county superintendent made to it. Allow him reasonable traveling expenses(sec. 4-4) Section 4-5 Audit bills for his office and traveling expenses. Section 4-6 Authorize him to employ such assistance as he needs and to fix their compensation.

Section 5-1 relates to county school units. It provides that those of less than one million inhabitants shall be known as class 1 county school units and that the office of township trustees, if existing in such units on July 1, 1962, shall be abolished and that all records of such trustees shall be transferred to the county board of school trustees. In such circumstances, operational activities will be conducted at the county level. The same section provides that county school units of one million or more inhabitants shall be known as class 2 county school units and shall retain the office of township trustees.

Local level - boards

Section 5-2 provides that the school business of all school townships having school trustees shall be transacted by three trustees elected by the qualified voters of the township. The trustees shall be a body politic and corporate and the corporation shall be perpetual with power to sue and be sued. Section 5-13 fixes the term of office at six years, with staggered election and tenure. Under Section 5-18 the trustees of schools are required to report periodically to the county superintendent. Under section 5-21 they may receive any gift, grant, donation or devise made for the use of any school or library within their jurisdiction. They have title to all school buildings and school sites. The heading "governing boards" appearing with section 5-2 referred to above, indicates their character.

It should be noted, in order to clarify nomenclature, that section 1-3 of the School Code of 1961 defines "school boards" to mean the governing body of any district created or operating under authority of that act, including board of school directors, and board of education. And when the context so indicates it also means the governing body of any non-high school district and of any special charter district, including board of school inspectors. References to other local boards are made below.

Section 10-1 provides that school districts with a population of less than one thousand inhabitants, not regulated by special act, shall be governed by a board of school directors, consisting of three members. In consolidated districts meeting this description seven members shall be elected. Under section 10-2 the directors of each district shall be a body politic and corporate and may sue and be sued.

Under section 10-10 all school districts with a population of one thousand or more but less than 500,000, shall be governed by a board of education, consisting of seven members elected by the voters of the district for a term of three years. Although not so described this also must be a body politic and corporate as implied by other provisions of this section and as indicated by section 5-2, referred to above. Thus references to school boards include these boards of education.

Duties of local boards

The school board is directed, Section 10-20.1, to maintain various records; section 10-20.3 to provide for the revenue necessary to maintain schools in their districts; section 10-20.5 to adopt and enforce all necessary rules for the management and government of the public schools of their district; section 10-20.6 to visit and inspect the schools of their districts; section 20-20.7 to appoint all teachers and fix their

salaries; section 10-20.8 to direct what branches of study shall be taught, what textbooks and apparatus shall be used, and to enforce uniformity of textbooks in the public schools; section 10-20.9 to furnish the county superintendent of schools with a list of all text material being used in the schools; section 10-20.11 to build schoolhouses upon approval of a majority of the voters; section 10-20.13 to purchase at the expense of the district a sufficient number of textbooks for children whose parents are unable to buy them; section 10-21.1 to examine teachers by examinations supplemental to any other examinations; and section 10-21.4 to employ, except in districts with only one school and less than four teachers, a superintendent who shall have charge of the administration of the schools under the direction of the board of education.

The powers of the board as enumerated in section 10-22.1 through 10-22.34 are varied. Those which are relevant here are: section 10-22.7 to repair and improve schoolhouses and furnish them with the necessary fixtures, furniture, apparatus, libraries and fuel; section 10-22.25 to purchase textbooks and rent them to the pupils; and, most important, section 10-22.30 "to enter into contracts, either alone or in cooperation with other school boards for the purpose of participating in or the procuring of television broadcasts for use in the educational program of the schools." A cross reference to the old code indicates that this last provision relating to television was added July 7, 1955, Laws 1955, page 1189, section 1.

Article 11, with several sections, relates to "community consolidated school districts" and other combinations of small districts, the new combination having a board of education composed of seven members. Article 12 with a number of sections, relates to "high school districts - non-high school districts - community high school districts". The high school district has a board of education of 7 members (sec. 12-2) and the non-high school district has one of 3 to be elected for 3 years, plus the county superintendent ex-officio but without vote (sec. 12-10). The various sections in this article relate to procedure and the apportionment of costs and taxes, but powers are the same as those described in article 10 above.

Article 33 relates to city school districts with a population from 100,000 to 500,000, each of which is under control of a board of education, a body corporate, composed of 7 members with staggered election and tenure for a term of 5 years. No significant new duties or powers are added.

Article 34 relates to city school districts of over 500,000 inhabitants, each of which is under control of a board of education, a body corporate (sec. 34-2), composed of 11 members with staggered election and tenure for a term of 5 years. This article goes into great detail in providing for procedural matters, bonds and tax anticipation warrants, working cash fund, budget and appropriations, teacher employment, retirement, pensions, and pension funds, and parental schools. Many sections are not relevant here, but some have general or special application.

The board has power to appoint, by its majority vote, a general superintendent of schools (sec. 34-6), establish departments for his staff (sec. 34-7), appoint an attorney to attend to all legal matters (sec. 34-11) and prescribe duties and compensation of employees (sec. 34-16).

The powers of the board, enumerated under this heading in sec. 34-18, are to exercise general supervision and management of the public education and public school system of the city and, further, (sub. 4) to arrange with public or quasi-public libraries for use of facilities by teachers and pupils, (sub. 9) to prescribe courses and methods of study and employ teachers and others, fixing their compensation, and most important (sub. 10)

> To provide television studio facilities in not to exceed 1 school building and to provide programs for educational purposes, provided, however, that the Board shall not construct, acquire, operate or maintain a television transmitter; to grant the use of its studio facilities to a licensed television station located in the school district; and to maintain and operate not to exceed 1 school radio transmitting station and provide programs for educational purposes;

Citations do not indicate that this subsection concerning television has ever been the subject of court decision. A concluding omnibus clause confers on the board "all other powers that may be requisite or proper for the maintenance and the development of a public school system, not inconsistent with the provisions of this Code which apply to all school districts."

Local level - superintendents

The superintendent employed by the ordinary local boards under sec. 10-21.4 has charge of the administration of schools under direction of the board of education, performs other duties prescribed by the board and makes recommendations to it concerning the budget, building plans,... the selection of teachers and other employees, the selecting of textbooks, instructional material and courses of study (sec. 10-21.4).

The general superintendent of schools in cities of over 500,000, as provided for by sec. 34-6, has powers and duties prescribed in sec. 34-8. He "shall prescribe and control, subject to the approval of the board, the courses of study, textbooks, educational apparatus and equipment, discipline in and conduct of the schools, and shall perform such other duties as the board may by rule prescribe." Emphasizing his authority, this section states that (1) appointments, promotions and transfers of teachers and certain other employees shall be made, (2) shall sites shall be selected, schoolhouse plans and buildings shall be approved, (3) textbooks and educational apparatus and equipment shall be adopted and purchased by the board only upon the recommendation of the general superintendent or by a majority vote of the full membership of the board.

Various powers are granted by the legislature to the several bodies involved for raising funds to maintain schools, issuing bonds for school buildings and participating in the economic operations of the school system. Some of these will be referred to in Part IV.

State: Illinois

Source of information unless otherwise stated: Special pamphlet Smith-Hurd Illinois Annotated Statutes, School Code of 1961, including 1961 amendments (incorporated in chapter 122 of the Illinois Revised Statutes)

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

The following section is applicable to all school boards.

Sec. 10-22.30. Television programs

To enter into contracts, either alone or in cooperation with other school boards, for the purpose of participating in or the procuring of television broadcasts for use in the educational program of the schools.

This authority was enacted by the legislature in 1955 and added to the old school code July 7, 1955, Laws 1955, page 1189, section 1. Annotations do not indicate that this section has ever been the subject of a court decision.

The following provision is applicable to boards of education in cities of over 500,000 inhabitants.

Sec. 34-18. Powers of the board

The board shall exercise general supervision and management of the public education and the public school system of the city, and shall have power:....

10. To provide television studio facilities in not to exceed 1 school building and to provide programs for educational purposes, provided, however, that the Board shall not construct, acquire, operate or maintain a television transmitter; to grant the use of its studio facilities to a licensed television station located in the school district; and to maintain and operate not to exceed 1 school radio transmitting station and provide programs for educational purposes;

State: Illinois PART III - continued (2)

This authority was enacted by the legislature in 1953 and was added to the old school code July 10, Laws 1953, page 1033, section 1. Annotations do not indicate that this subsection has ever been the subject of any court decision.

No other reference has been found in Illinois statutes relating specifically to the AV media listed above or described by other nomenclature.

State: Illinois

Source of information unless otherwise stated: Smith-Hurd's Illinois Annotated Statutes, School Code of 1961 including 1961 Amendments

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject. Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes 2. Planning the use of AV aids

34-18 (10) See Part III.

Yes 3. Preparing curricula

10-20.8, 10-21.4, 27-1

No 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

Yes 5. Organizing AV units and cooperative activities

34-18 (10) See Part III.

No 6. Conferring on AV use outside of State educational structure

State: Illinois

PART IV (continued)

Yes or No

No 7. Selecting AV aids (and observing academic freedom)

Yes 8. Selecting textbooks (and observing academic freedom)

2-3.18, 3-14110, 10-20.8, 10-20.9, 10-21.4, 28-3, 28-6

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

10-22.25, 10-22.30, 28-9, 34-8(3), 35-11

Yes 10. Financing acquisition by rent or purchase

2-3.27, 17-1, 34-45

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel

34-18 (10) See Part III.

No 12. Distributing AV aids

No 13. Producing AV aids

Yes 14. Certificating teachers and AV professionals

2-3.9, 10-21.1, 21-1, 21-13, 34-83.

No 15. Prescribing qualifications of using personnel

State: Illinois

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

2-3.25, 3-14.21, 3-14.22, 35-9

Yes 17. Building or remodeling schools to facilitate AV use

2-3.12, 3-14.20, 10-22.7, 32-4, 32-4.8, 35-1, 35-9, 35-10

Yes 18. Federal aid to schools

2-3.26

Yes 19. State aid to schools

3-9, 8-6, 18-1, 18-2, 18-8, 18-9, 18-14, 34-74, 35-5

Yes 20. Private aid to schools

5-21, 16-1

Yes 21. Library programs

2-3.25, 10-22.7, 34-22

Yes 22. Research programs

2-3.31

Yes 23. Institutes

2-3.16, 3-11, 3-12, 3-14.8, 10-20.18

NO 24. Other established procedures

State: Illinois

Source of information unless otherwise stated: Smith-Hurd's Illinois Annotated Statutes, School Code of 1961, including 1961 Amendments.

PART IV (Cont.)

Topic 3:

Section 10-20.8 directs school boards in districts with a population under 1000 to direct what branches of study shall be taught. In those districts with a Superintendent, section 10-21.4 puts the selection of courses of study in the hands of that officer. Every school has to instruct in the branches of education prescribed in the qualifications for teachers, as the school board or voters of the district may prescribe. This wording is found in section 27-1. Special courses in extrinsic areas are covered by Article 27.

Topic 8:

Section 2-3.18 instructs the Superintendent of Public Instruction to keep available for public inspection the lists of textbooks used in the public schools. The County Superintendent has a similar duty given by section 3-14.10. Section 10-20.8 places the responsibility of directing what textbooks and apparatus will be used in districts with a population under 1000 in the hands of the school boards. The boards are also dutybound to furnish the County Superintendent with a list of the texts being used, according to section 10-20.9. Among the duties of a district superintendent granted by section 10-21.4 is the right to recommend the selection of textbooks, instructional material and courses of study to the school board. Pursuant to section 28-3 the Superintendent of Public Instruction annually publishes lists of textbooks. Section 28-6 states that it is the school board which adopts the textbooks, from those lists.

Topic 9:

Section 10-22.25 makes the school boards responsible for purchasing textbooks and renting them to pupils. The boards also are empowered by section 10-22.30 to enter into contracts for the purpose of participating in or procuring television broadcasts. School Districts are permitted by section 28-9 to purchase school textbooks out of contingent funds. In the case of cities of a population exceeding 500,000 the boards, according to section 34-8, may only purchase textbooks, apparatus and equipment which has been recommended by the general superintendent. Each building constructed according to the School Building Commission is to be equipped by the Commission with the fixed and mavable equipment essential to enable the district to meet the standards of the State Superintendent. That is the wording of section 35-11.

State: Illinois

PART IV (Cont.)

Topic 10:

Section 2-3.37 provides that the Superintendent of Public Instruction formulate and approve procedure, regulations for districts budgets. All school districts under 500,000 have their budgets adopted by their school boards. The procedure for this is outlined in section 17-1. In the case of cities over that number, section 34-45 suggets the budget appropriations which are acceptable.

Topic 14:

Section 2-3.9 empowers the State Superintendent, subject to Article 21, to grant certificates to qualified teachers. Section 21-1 has been amended so that a qualified teacher may receive a certificate from the State Superintendent, the State Certification Board and a County Superintendent, or a board of education in a city with more than 500,000 people. That section contains other requirements as well. School board in districts under 1000 are permitted by section 10-21.1 to hold supplemental examinations. Sections 21-2 through 21-11 describe the many certificates which are available in Illinois. Section 21-13 creates the State Certification Board, which includes the State Superintendent. The Board is directed to hold 2 examinations a year for provisional certificates under its own rules. The regular examination is held by the County Superintendent. In cities with more than 500,000 inhabitants section 34-83 sets up a board of 3 examiners. After the teacher has qualified, the board of education issues the certificate. The board also recommends the number of examinations to be held.

Topic 16:

Section 2-3.25 reads the Superintendent of Public Instruction is empowered "To determine for all types of schools...efficient and adequate standards for the physical plant, heating, lighting, ventilation, sanitation, safety, equipment, and supplies, instruction and teaching, curriculum, library, operation, maintenance, administration and supervision, and to grant certificates of recognition to schools meeting such standards..."

The County Superintendent is responsible for inspecting all public schools under his supervision, according to section 3-14.21. The following section authorizes him to request the Department of Public Health to inspect buildings when there is a doubt as to its safety. Section 35-9 requires all classrooms and related facilities to conform the minimum requirements of the Superintendent of Public Instruction specified under section 2-3.12.

State: Illinois

PART IV (Cont.)

Topic 17:

Section 10-22.7 authorizes school boards in districts of less than 1000 inhabitants to repair and improve schoolhouses and furnish them with the necessary fixtures, furniture, apparatus, and libraries. The County Superintendent, pursuant to section 3-14.20 inspects plans and specifications submitted by school boards and is to approve them when they comply with those prepared by the State Superintendent. The State Superintendent's authority to prepare building specifications is section 2-3.12. In special charter districts there is a board of inspectors which is empowered by section 32-4 to repair and improve buildings, along lines similar to other districts boards. According to section 32-4.8 the school boards of the special charter districts have the power in their discretion to build, repair or alter school buildings. Section 35-1 retains the School Building Commissions. Section 35-9 authorizes the building of classrooms and related facilities, in new buildings, by this Commission.

Topic 18:

Section 2-3.26 has been quoted at length in Part II.

Topic 19:

Section 18-1 describes the moneys which constitute the common school fund. These include sums appropriated by the state legislature and interests on different revenues. The Auditor of Public Accounts apportions the sums available, pursuant to section 18-2. The amounts to be apportioned shall be determined for each county on the basis of school districts along the lines suggested by section 18-8. Section 18-9 covers claims for supplementary equalization and the requirements for its receipt. The County Superintendent is empowered by section 18-14 to apportion and distribute under the State Superintendent's rules to the townships from the principal of the county fund. Other moneys given to the County Superintendent from the state school fund shall be paid to the respective school treasurer, according to section 3-9. Section 8-6 authorizes the school treasurers to receive and hold these funds. Section 34-74 does the same for treasurers in cities with more than 500,000 people.

Topic 20:

Section 5-21 authorizes the trustees of schools to receive any grant, gift, donation or devise for the use of any school or library. Whenever any grant, gift, donation, devised or bequest is made for the use of any public school district, the property becomes part of the district's administration. According to section 16-1, this does not apply to the property covered by 5-21.

State: Illinois

PART IV (Cont.)

Topic 21:

Sections 2-3.25 and 10-22.7 have been discussed in preceding topics. Their references to libraries are only incidental. In cities with a population exceeding 500,000 section 34-22 provides that their boards "may erect, purchase, or otherwise acquire buildings suitable for school houses, for school administration.... and may furnish and equip buildings... the furnishing and equipping to include but not be limited to furniture, libraries, apparatus,"etc.

Topic 22:

Section 2-3.31 directs the Superintendent of Public Instruction to maintain a research department, whose duty is to compile, catalog, publish, and preserve information and data relative to the public school system.

Topic 23:

Section 2-3.16 directs the Superintendent to authorize County Superintendents to procure the assistance necessary for conducting teachers' institutes. The County Superintendents are charged by section 3-11 with conducting district, regional, or county institutes or equivalent professional experiences. They are to last not less than 2 days, nor more than 4 days annually. The expenses of the institutes are to be defrayed from the institute fund established by section 3-12. Section 3-14.8 emphasizes this duty on the part of the County Superintendent. The school boards are responsible for closing school during a teachers' institute, according to section 10-20.18.

Biennial Report, Superintendent of Public Instruction, Springfield, Illinois, October 15, 1960

Excerpt from letter of Superintendent of Public Instruction to the Governor:

> The report sets forth many of the educational activities in which this office is engaged. The inspectorial function of the office has been supplanted by one involving leadership and adequate consultant service in all areas of administering the schools and in helping to develop a quality program of education for all of the pupils.

General Supervision and Recognition

.....

Section 2-27 of the School Code of Illinois names as a power and duty of the Superintendent of Public Instruction the determination of standards for recognition and the responsibility to grant certificates of recognition to the public schools of Illinois. Upon request, non-public schools may be granted certificates of recognition when they meet the standards established for the recognition of public schools and thus be entitled to the same privileges, except they do not receive state aid.

.....

Consultants in.....instructional material.....and guidance visit schools at the request of local school administrators and upon recommendation of the general supervisors to provide consultative services in their particular areas.....These consultants are concerned primarily with the upgrading of particular areas of the educational program rather than evaluation. (Emphasis added.)

The resources available through the National Defense Education Act makes it possible to provide the consultative service in the fields of science, mathematics, foreign language and guidance. This service has done much to improve these programs in the schools of the State.

Also, through the resources of the National Defense Education Act, much instructional material, equipment, and many teaching aids have been provided to the schools. Teaching has been upgraded in the areas covered by the National Defense Education Act through a series of teacher workshops held throughout the state. Guidance services for children have also been noticeably improved.

The Illinois Curriculum Program

The Office of the Superintendent of Public Instruction has long been interested in the improvement of the curricular programs of the public schools of the State of Illinois. It has taken the attitude that this could best be done through local understanding and support. The Illinois Curriculum Program was established in 1947 as a statewide coordinating agency to conduct projects and activities of varying types in the elementary and secondary public schools.

The projects and activities being conducted by the Illinois Curriculum Program are of three types: Publications, in the form of bulletins; workshops and seminars for educators; and educational research projects. During this biennium committees have been organized to develop curriculum guides in social studies, science, English language arts, instructional materials and music education.....

The Illinois Curriculum Program has been given support by the establishment of the statewide Steering Committee. This committee is composed of representatives appointed from more than fifty-four lay and professional organizations in the state. Representatives come from parents' organizations, school board associations, school administrators' groups, curriculum associations, agricultural organizations, labor and business, public and private institutions of higher education, and various subject matter fields of education. The Steering Committee formulates policies for its own conduct; reviews curriculum projects and ICP publications prepared for distribution by the Office of the Superintendent of Public Instruction; and discusses problems incident to the operation of a cooperative statewide curriculum program in which all organizations have a stake.

The Buildings Consultant

The growing need for state-level direction and consultive service for local school building construction, maintenance, safety, functional utilization, attractiveness and economy is met by the building consultants in the Office of the Superintendent of Public Instruction.

Consultant service is available at all stages of construction, repair, remodeling and maintenance.

School District Reorganization

The enactment of legislation in 1947 and amendments in later legislative sessions provide a feasible and efficient method for organization of community unit school districts in Illinois--a method proved successful. Such districts enable the schools of Illinois to offer an educational program in keeping with the demands of the economic and social patterns of society in an ever-changing world.

The Common School Fund

The Common School Fund of The State of Illinois consists of any sums accredited thereto in pursuance of law. In addition to the biennial appropriations to the Common School Fund made by the General Assembly and approved by the Governor, there are other monies available for this fund. Section 18-1 of the School Code of Illinois provides that interest on the Common School Fund and other amounts of interest as provided by law shall be distributed to the school districts.

The cost of operating the schools has increased tremendously during the last two years. While the local school districts continue to assume the greater share of school costs the State of Illinois did provide through the 71st General Assembly a substantial increase in its appropriation to the Common School Fund. The appropriation of $327,500,000 for the biennium, July 1, 1959-June 30, 1961, exceeds that of the previous biennium, 70th General Assembly, by more than $100,000,000. This increase has been helpful but it has not increased the percentage of cost born by the State of Illinois in financing the local school district educational programs.

Illinois School Building Commission

The Illinois School Building Commission was created pursuant to House Bill 881 and 882 passed by the 70th General Assembly to provide school building aid for elementary grades in distressed school districts with a classroom shortage and a lack of bonding power to provide for needed classrooms.

House Bill 881 designates the Superintendent of Public Instruction as the ex officio secretary of the commission.....

INDIANA (1959-60)

Enrollment in full-time public schools:	
Elementary	752,435
High School	236,824
Number of school districts (including non-operating)	928
Number of elementary schools	1,896
Number of high schools (including junior high)	749
Expenditure per pupil in average daily attendance	$364

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960, OE-20006-60, pp. 6-7, 9, 11.

INDIANA

County, Joint, Consolidated, Metropolitan, and Independent School Superintendencies

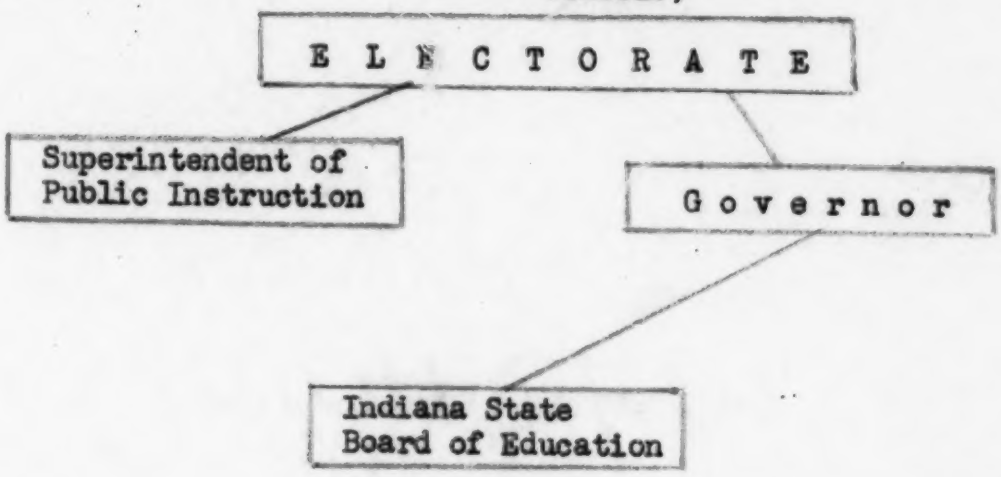
There are 296 school superintendencies in the State, including 85 county-intermediate and 3 partial county-unit superintendencies. Of the remaining 208, 5 are joint, 32 are consolidated, 24 are metropolitan, and 146 are independent city or town superintendencies. The superintendents of the 85 county-intermediate superintendencies perform all administrative functions for areas comprised of two or more local districts, each district operating its schools independently.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 67.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 69-71.

I N D I A N A

1. State Educational Structure Chart(relating only to elementary & secondary public schools)



2. State Education Boards

a. Schools...

Indiana State Board of Education.--Consists of 19 members, the State superintendent of public instruction ex officio and 18 persons appointed by the governor for overlapping 4-year terms. For the efficient performance of its duties, the law directs that the board be divided into 3 commissions--a commission on general education to consist of 6 appointive members and the State superintendent of public instruction, a commission on textbook adoption to consist of 6 appointive members and the State superintendent of public instruction, and a commission on teacher training and licensing to consist of 6 appointive members and the State superintendent of public instruction. The State superintendent is, by virtue of his office, the president of the board and the chairman of each commission. No appointive member of the board is eligible to serve on more than one commission, and not more than 4 appointive members of each commission are selected from the membership of any one political party. At least 4 members of each commission must be actively employed in the schools in Indiana.

b. Supplementary programs

Board of Directors of the Indiana State School Building Authority (administrative).--Consists of 5 ex officio members--the governor, secretary of State, auditor of State, treasurer of State, and superintendent of public instruction. The purposes of this authority are to acquire, own, and hold sites for school buildings, to construct school buildings on such sites, to finance the acquisition of such sites and the construction of school buildings by the issuance and sale of bonds, and to lease school buildings to school corporations.

Indiana Common School Fund Building Commission.--(administrative) Consists of 10 members, 6 by virtue of their office (the governor, lieutenant governor, auditor of State, treasurer of State, the superintendent of public instruction and the chairman of the State board of tax commissioners) and 4 more persons appointed by the governor for concurrent 4-year terms. One appointed member is selected from the educational department of Indiana University, that of Purdue University, that of Ball State Teachers College, and that of Indiana State Teachers College. The commission has the authority and duty to consider and to accept or reject applications of school building corporations for the purchase of first mortgage bonds issued by such corporations.

3. Chief State School Officer

The superintendent of public instruction is elected on a partisan ballot by the qualified voters of the State at a general election for a term of 2 years. By virtue of his office, the superintendent is president of the Indiana State board of education and chairman of each of the 3 commissions into which the board is divided. He also serves as executive officer of the commission on general education in its capacity as the State board for vocational education.

7. Coordination of the State Education System Through Structure

Two agencies, the Indiana State board of education and the State superintendent of public instruction, are primarily responsible for the coordination of the State program of public elementary and secondary education. ...

8. Coordination of the State Education System Through Ex Officio Memberships

The superintendent of public instruction is an ex officio member of the Indiana State board of education...

The governor, secretary of State, auditor of State, and treasurer of State are ex officio members of the board of directors of the Indiana State school building authority.

9. Fiscal Coordination

Five State education agencies submit budgetary requests to the State budget committee through the State budget director. They are (a) the State superintendent of public instruction, (b) the Indiana State board of education .... The State budget committee is composed of 4 members of the general assembly (2 senators of opposite political loyalty and 2 representatives of opposite political loyalty) and the State budget director. The members selected from the general assembly are appointed by the governor for concurrent 2-year terms. The State budget director is appointed by the governor for a 4-year term and serves at the governor's pleasure.

The State budget committee, with the approval of the governor, sets the general State policy on budgetary matters and prepared the State budget for submission to the governor. The committee has the authority to disapprove an entire budget submitted by an educational agency and to return it for revision, or the committee may request a reduction in the budget. After approval by the committee, the budgetary requests of the educational agencies are incorporated into the governor's budget which is transmitted to the legislature through the governor's message.

INDIANA

(References are to Title 28 of Burns Indiana Statutes, 1948 and 1961 Supplement, unless otherwise stated.)

State Organizational Structure

The State Superintendent is created by Section 301. He appoints a School Inspector, who is then approved by the State Board of Education, according to section 304. Other State employees appointed by the State Superintendent include the Assistant State Superintendents. Section 319 authorizes him to appoint three of these, but again subject to the approval of the State Board.. Their titles are Assistant Superintendent of Public Instruction for Instructional Services, for Administrative Field Services, and for Administration. Their work is supervised by the State Superintendent and the Commission on Genereal Education. The Directors of the various State Divisions as well as their personnel are appointed by the State Superintendent. The section providing for this authority is section 320. It also states that these appointments are subject to the approval of the Commission on General Education. But the State Superintendent does have the power to assign them their respective duties.

Section 405 creates the State Board of Education, which is to include the State Superintendent as chairman of each of its three commissions. Those commissions are the Commission on General Education, which has been referred to above, the Commission on Textbook Adoptions, and a Commission on Teacher Training and Licensing. The sections which enumerate these commissions are 406, 407, and 408 respectively.

Other State Bodies include the Division of School Libraries and Teaching created by section 416, the Division of Pupil Personnel and Guidance Services provided for in section 420, and a Division of School Traffic Safety Instruction. As was pointed out above, each of these is appointed by the State Superintendent.

On the County level the township trustees are to elect a County Superintendent pursuant to section 702. Section 705 points out that city schools with duly appointed superintendents are exempt from this authority. According to section 2439 , those County Boards of Education formed pursuant to section 2432, may appoint a County Superintendent. The Board then acts upon the Superintendent's recommendations.

Section 709 permits the township trustees to authorize the County Superintendent to appoint an assistant to work under his direction and supervision. The township trustees together with the trustees in the county are directed by section 801 to perform the functions of a County Board of Education. They are to operate as independent organizations, unless abandoned. These Boards govern the common schools of the County.

The Statutes provide for many other divisions of the Education hierarchy. Among these are the school trustees in cities and towns of a population not over 58,000 as seen in section 1201, cities from 58,000 to 86,000, 70,000 to 102,000, 100,000 to 300,000 and finally over 300,000. The respective titles for these laws areTitle 12, Title 18, Title 19, Title 20 and Title 23. Section1702 provides that the general school laws applicable to the system of common schools in cities shall be in force therein. The general government is vested in the Boards of Trustees, an example of which is seen in section 1801. However, in those cities with a population over 300,000 the governing body is a Board of School Commissioners. They control both the common schools and the common school libraries within their respective corporations. Their authority is conferred by section 2301. This latter Board elects a Business Director pursuant to section 2308. According to section 2309, he is the executive officer of the Board of Commissioners, as well as the auditot ex officio. Another important officials so elected are the superintendentand the librarian. These Boards appear to be virtually semi-authonomous bodies. Their only limitations are the provisions of the law on education, according to section 2324.

The final educational subdivision is the Metropolitan School District, provided for by section 2442. These Districts are formed by the merger of any two or more school corporations.. Its powers are vested in a Metropolitan School District Board of Education by section 2445.. Its members are called Commissioners and they are directed to again divide the District into three Board Member Districts, pursuant to section 2444. The Metropolitan Superintendent of Schools is appointed with the authority of section 2449. He is the general administrator and makes all recommendations to the Board as provided for in section 2450.

A similar set up is authorized by 2616, where township trustees maintaining a Joint School constitute a Board, along with the County Superintendent.Its purpose is to Construct, equip and maintain a Joint School. At the same time townships may also contract to form a Consolidated School District to erect buildings, make repairs and additions, and equip their schools. The authority for these Discticts is found in section 2624.

Supervision and Authority

Section 303 charges the Superintendent of public instruction with administering the system of public administration. He is to generally superintend the business of the common schools and the State funds set aside for their support. Not only does he report to the Governor, pursuant to section 308, but also to the General Assembly of his administration, as directed by section 309. This last report is to include his plans for the better organization of the schools and management of the School Funds.

The Inspector of the Schools, who works under the direction of the Superintendent and the State Board of Education, visits all the schools in the State. Section 304 directs this duty for the purpose of conferring and advising on how to improve and standardize work and to coordinate the work of the teachers. Each County Superintendent and the Superintendent of Schools of each town and city are to cooperate with the Inspector. Section 305 directs these people to make those reports required by the Inspector.

The State Board of Education has the discretion to make and adopt such rules and regulations as may be necessary for its own government, and to carry into effect the provision on State teacher's certificates. Section 403 places but one limitation on this power; the rules cannot be in conflict with the laws of the State. However, the Board is also directed to take cognizance of such questions as may arise in the practical administration of the school system not otherwise provided for, and duly consider, discuss and determine the same.

The Commissions within the State Board also have their powers and duties spelled out in the Code. The Commission on General Education is to exercise all powers and duties which the State Board may exercise, except for those assigned to the other two Commissions on Text-book Adoptions and Teacher Training and Licensing.

The County Superintendent of Schools generally is to superintend the schools in his county. Section 704 also directs him to visit schools in order to increase their usefulness, conduct institutes, and improve the condition of the schools. He may be permitted to appoint an assistant, if in the judgement of the Township Trustees, one is necessary. This is authorized by section 709.

The government of the common schools of the county is vested in the County Board of Education by section 801. The Board is to function with all the authority, powers, priveleges, duties, and obligations granted to school cities or towns, under the laws pertaining to the purchase ans sale of of buildings and equipment and the employment and dismissal of employees. The section goes on to say that "The powers set forth in this section shall not be considered as or construed to limit the power and authority of such boards to the powers therein expressly conferred or to restrict or modify any powers or authority granted by any other law not in conflict with the provisions of this section."

Section 2410 authorizes the School Trustees of the townships, towns and cities to take charge of the educational affairs of each.

Among the functions they perform are the providing of furniture, apparatus and other articles and educational equipment necessary for the throough organization and efficient management of their schools. Under this section the School Board is charged with the duty of managing the school system, and so long as it acts with fairness, its decisions on matters within its discretion are not subject to judicial review. The trustees have the power to make reasonable rules and regulations to furnish teachers and equipment, and activities of the teacher which have a reasonable bearing on his ability, efficiency, and influence in the classroom are within that field. The case cited for these propositions is School City of East Chicago v. Sigler, 219 Ind. 9.

The general grant of authority in section 1702, under which the trustees in the cities operate, states that all the laws applicable to the general system of common schools in cities are in force in those cities. The trustees in cities with a population between 70,000 and 102,000 are authorized, among other things,to establish and locate schools and libraries, other structures, facilities and apparatus for the thorough organization and efficient management of such schools and libraries. They have the exclusive custody, management and control of libraries and branches also. These statements are found in section 1907, and 1920. Similar provision is given for each sized town.

When it comes to schools in cities of a polulation over 300,000, the laws change. According to section 2309, the superintendent and librarian,therein created perform the important functions. The former officer appoints and discharges all principals, supervisors, and all other employees, subject to the approval of the Board. He also selects and reports to the Board all charts, maps, text-books, and apparatus to be used in the schools in his city. When it comes to high schools,these enumerated types of equipment must first be selected by a committee. This committee consists of the superintendent, the high school principals, the principal of the manual training school, and the head of each department in which such charts, maps, text-books, or apparatus are to be used. Otherwise, the general grant of authority is conferred by section 2324.

Election and Appointment

The State Superintendent of public instruction is elected by the qualified voters of the State, pursuant to section 301. He then appoints the State Inspector of Schools, with the approval of the State Board of Education. This authority is granted by section 304.

It is the Governor who appoints the State Board of Education. The State Superintendent is to act as the Chairman of each of the three Commissions which make up the Board. Section 405 also indicates that fifteen members serve on the Board.

The County Superintendent is elected by the township trustees oh each county, according to section 702. It does not appear that a township trustee is qualified to be a candidate for that office. In the first place an Opinion of the Attorney General precludes one from participating in such an election if he is a candidate for office. Then a trustee is denied the right to vote for himself by Hornung v. State ex rel Gamble, 116 Ind. 458.

The Board of Trustees of an incorporated town elects the School Trustees according to section 1201. The Statutes also provide for consolidation of town and township schools by section 1213. This results in an election under section 1214. When the electorate approve of the idea, the concolidated schools are managed by the township trustees and secretary of the school board of each town. The same procedure is established for the consolidation of each sized town or city.

The Superintendent of the city schools is employed by the school trustees of the respective city. They prescribe his duties pursuant to section 1401.

Financial Aid to Education

The main source of State Revenue appears to be the State School Tuition Fund, created by section 912. The most recent law covering appropriations is section 1027. In that section $53,000,000 is to be transferred annually from the General State Fund.
The laws also provide for a Foundation Program of Education and a Minimum Foundation Program. The former includes salaries for licensed instructional personnel and any current expenditures for maintaining the school program, other than capital outlays and transportation. Section 1029, which establishes this Program, directs the State Superintendent to make recommendations to the State Board and to administer the decisions. The Mimimun Foundation Program, pursuant to sections 1021 and 1022, are administered in the same manner. Although the purpose of the Minimum Foundation Program is expressed as assisting local school corporations in making it possible to have access to the Program, no other description is given. Section 1022 spells out the means by which the Minimum Foundation Program is to be financed. The money actually comes from the State Tuition Fund, through the Auditor of the State.

The Code includes another fund called the State School Equalization Fund in section 1023. Its revenue comes from the State General Fund. It only comes into operation when a local school corporation levies a local property special school tax with a rate equivalent to 60 cents on each one-hunded dollars.

Since the school must qualify for State assistance, section 1030 sets up the standards which must be complied with. Each corporation must have a certain number of units according to the number of personnel employed. The number of units must be certified by the State Superintendent, according to section 1031(e).

Section 1031 sets up the procedure the school must conform to in order to receive their appropriations and the manner in which the estimates are made.

Authority is granted by section 1106 for the tax-levying bodies to levy a tax,not to exceed $2.50 on each $100 of taxable property, for the Supplementary Tuition Fund of and School District.

Supervision of school funds is vested in the State Superintendent. This general authority is granted by section 301. Section 1013 is more specific, in that it establishes a procedure for apportionmentfrom the State Treasury. 1016 seems to complement this by directing the State Auditor to settle the payments owed to counties. He is assisted by the County Superintendent, whose function it is to see that the full amount of interest on the School Fund is paid and apportioned, pursuant to section 710. Any unapportioned balance is carried over to the succeeding apportionment This statement is found insection 1018.

On the other n hand unexpended revenues from the State Bond Fund may be transferred to the State Tuition Fund and/or a Special School Fund in a particular township. Section 103 also indicates that this may be done by the township trustee subject to the approval of the advisory board.

Other Forms of Aid to Education

The Statutes do not provide for the acceptance of Federal Aid, except for the School Lunch Program in section 5146. However, 5116 is a general grant of authorityto all the common school corporations to acquire by gift, devise or bequest real or personal property. According to section 5118 this property is not to be used for purchasing ordinary school furniture or supplies generally paid for by taxes, nor the payment of the corporation's obligations. However, it is permitted to devote the property to educational or public library or kindred purpose, not adequately provided for by law. The trustees also have the discretion to devote the property to some special use, as long as it does not violate the conditions imposed by the grantor.

Library and Research Programs

Section 416 authorizes the State Superintendent of public instruction to establish a Division of School Libraries and Teaching Materials within the State Department of Instruction. The Division is to initiate and superintend the maintenance of school libraries and instructional materials centers in any school corporation in the State. Once the State Department establishes standards, the Division is to approve the libraries andn centers. Section 417 authorizes these duties.

The State Superintendent and the Director of the Indiana State Library, with the advice and approval of the General Commission of the State Board of Education, the Indiana Library and Historical Board, appoints the Director of the Division. This procedure is found in section 419.

The training and appointment of school librarians and people using teaching materials is conferred upon the State Superintendent with the approval of the General Commission and the Director of the Division. His authority is found in section 419.

There is a School Library Fund set up under section 629. The moneys used are acquired by a tax levy. However, the funds obtained can only be used for the purchase and care of library books. This tax levy, like the provision of sufficient library facilities, is a function of the township trustees, board of school trustees, and board of school commissioners.. (This latter group has its powers and duties enumerated by Title 26 section 619 and 620.) Section 649 grants the safekeeping, care and protection of books to these three bodies.

Free Public Libraries are established,pursuant to section 1433, by the Board of School Trustees, Board of School Commissioners, or whatever board is establish by law. The boards then have the power to levy a tax and use the funds obtained in the maintenance of the library. Section 1434 grants this authority.

A permanent museum containing objects and items of interest primarily for children, and for the encouragement and education of children, may be located, according to section 5168, in any county with more than 650,000 population. Financial assistance is provided by the township trustee, by and with the consent of an advisory board. However, the law sets up a number of conditions precedent to the use of the funds acquired. These are found in sections 5169 and 5170.

Section 2309 provides for the duties of the City Librarian, who is elected by the Board of Commissioners in each city of more than 300,000 people, pursuant to the authority granted by section 2308. The Librarian has charge of all libraries under the control of the Board. He recommends to the Board for purchase, after receiving the approval by the Library Advisory Committee, all books, maps, charts, and such other things necessary for the equipment and maintenance of the libraries. It appears that the Board of Commissioners need not then obtain the approval of the State Board, but that the decision of the City's Board is final as to its choice of materials.

Certificating Teachers and Accrediting Schools

Section 4329 defines teachers to include licensed public school teachers, librarians, supervisors and principals of all public school corporations, and licensed assistant superintendents and superintendents of such school corporations.

It appears that the first step for a teacher is to obtain a state certificate of qualification. Section 404 empowers the State Board of Education to issue these certificates to those teachers who possess eminent scholarship and professional ability. The certificate entitles the holder to teach in any of the schools in the State without further examination.

This function of the State Board is performed by the Commission on Teacher Training and Licensing. Section 408 also directs the Commission to supervise and inspect inspect the teacher training institutions. The Commission has the power to fix standards for license to teach new subjects or to perform duties in connection with school administration as shall become necessary as a result of developments in science, aviation, business and social life.

The State Board of Education also licenses all superintendents, supervisors, principals, teachers, attendance officers, all all regular public school employees. This authority is conferred by section 4201. This power is extremely important, in that persons cannot be employed unless they hold some license. This was the holding in State ex rel Benham v. Bradt, 170 Ind. 480.
The many types of licenses which are used are listed in section 4209.

Although the State Board grants the licenses, they are issued through the Superintendent of the State, by virtue of section 4202. He may also recommend to the Board that any license be revoked, pursuant to section 4203.

No teacher is appointed or becomes a permanent teacher in any school corporation, until the school superintendent makes a report upon the teacher's preparation, experience and license. Once this last step is taken, pursuant to section 4309, the teacher's employment begins.

It seems that the only accrediting in Indiana pertains to the training of teachers. By this is meant that the State Board only has authority to accredit those schools which train teachers. This authority is found in section 4205.

Selection of Text-books

Pursuant to section 601, the State Board of Education is directed to constitute a Board of Commissioners for the purpose of selecting and procuring text-books. The subjects enumerated therein are those taught in the elementary schools. The selection of text-books for High Schools is authorized by section 607. The State Board's Commission on Text-book Adoptions adopts and approves all text-books and teaching materials in the public schools, according to section 407.

The City, Town or County Superintendents after advising with teacher committees within their respective schools, are directed to select from the State approved list. There are two sections where this language may be found; 659 and 675. Once this is done, purchases are authorized by section 614.

Section 663 provides that the State Board has the power to prescribe rules and regulations consistent with the provisions of this act. This appears to be a general grant of authority for the Board to fill in any gaps not covered by legislation.

Courses of Study

A list of subjects for the elementary schools is found in section 3401. The trustee or such other officers as may be in control are directed to teach these subjects. Another list of subjects for High Schools is provided for in section 3418. However, additional subjects as elected by any local board of education may be taught. Junior or intermediate high school courses are in the discretion of the school trustees, according to section 3414.

Any school corporation or combination of corporations is empowered by section 3436 to carry on educational television instruction. Elementary and high school credit for such instruction, when approved by the Commission on General Education, may be given according to section 3438.

Acquisition of A-V Aids

The Statutes contain no specific reference to the acquisition of A-V Aids. The index does point out that Title 26 authorizes the Counties to purchase supplies and equipment for the schools. As for the cities, the closest authority is section614, which provides for the purchase and sale of text-books by schoolbook commissioners, boards of school trustees, township trustees, county boards of education, or boards of school commissioners. This is one of the general duties of school trustees enumerated in section 2410 also. That section provides for apparatus, other articles, and educational appliances necessary for the thorough organization and efficient management of the schools.

Cities with a population exceeding 300,000, being virtually autonomous, are permitted to select such materials as maps and charts by section 2309. The word apparatus is again used, presumably to include all other types of equipment not enumerated.

Planning the Use of A-V Aids

There are few specific references to the use of A-V Aids at all. However, section 3436 and 3438 establish the right to use educational Television under the approval of the Commission on General Education of the State Board of Education. This would probably apply to any school board within the State.

When discussing city school boards, the statutes indicate that the selection of maps, charts, and other apparatus is first done by a committee consisting of the superintendent oof schools, the principals of the high schools, the principal of the manual training school, and the head of each department in which they are to be used.

The?State The authority for this 2309.

The State Superintendent is directed to establish a Division of School Libraries and Teaching Materials, according to section 416. Section 417 points out that the Division is to initiate and superintend the establishment and maintenance of school libraries and teaching materials centers in any school corporation in the State. Their standards are established by the Division also. Perhaps the words initiate and superintend could be interpreted to include planning. Nevertheless, it is not clear how this would apply to the cities with populations over 300,000.

Conferring on Use Outside the Educational Structure

There are no provisions for conferring on the use of A-V Aids outside the educational structure. Nevertheless, the statutes contain many general statements, which lend themselves to some interpretation. An example of this is the discretion of the State Board of Education to make and adopt such rules and regulations necessary for its own government in section 403. The only limitation on that power is that there be no conflict with the State laws.

Since the Commission on Text-book adoptions would be required to go beyond the educational system to obtain any books, as an arm of the State Board its activities in this respect may have set some sort of precedent.

It also seems reasonable to assume that the city trustees, who are authorized to establish and locate schools and libraries, also participate in transactions outside the educational system. Section 1907 establishes their exclusive authority with respect to these libraries. This means that any work connected with that function, including conferring with others outside the educational system, is permitted.

Distributing A-V Aids

In order to determine whether ther is a procedure established for the distribution of A-V Aid, the sections on such subjects as text-books, libraries, and courses of study must be examined.

Under the first subject, it was pointed out that The Commission on Text-book Adoption of the State Board of Education adopts and approves all text-books and materials in the public schools. At the same time in cities of over 300,000 populations exceeding, the statutes set up a procedure whereby the text-books are selected and adopted by the city boards. The section for this is 2309. This appears to be somewhat inconsistent, unless the city boards are not controlled by the State Board. However, a possible explanation may be found in those sections which state that the city, town, and county superintendents select their text-books from a State approved list. This language is in sections 659 and 675.

There is also a State Division on School Libraries and Teaching Materials created by section 416. This Division initiates and superintends the maintenance and of school libraries and instructional materials centers. This is about as clear a grant of authority to distribute A-V Aids as can be found.

Finallythe State Commission on General Instruction is directed to approve educational television for school credit in all schools, according to section 3438.

This summary of the three subjects most closely related to A-V Aids indicates that the State Board of Education, through its many subdivisions, would in effect be the primary agency for the distribution of all educational materials. At the very least, it would have the last word through its approval.

Organizing A-V Units

It is fairly evident that the State Division on School Libraries and Teaching Materials would be the agency that would organize any A-V Units in the State of Indiana. Its duty to initiate and superintend the maintenance of school libraries, and especially, to maintain instructional materials centers, is an explicit grant of authority in this field. The sections in which this may be found are 416 and 417.

Producing A-V Aids

.The only reference to producing A-V Aids is that section which empowers the school corporations to carry on educational television. That section, 3436, authorizes them to contract with commercial stations for the use of their facilities. The only limitation is section 3438, which requires that the corporations obtain the approval of the Commission on General Education.

Prescribing Qualifications and Advising Subordinates on the Use of A-V Aids

The State Commission on Teacher Training and Licensing, pursuant to section 408, exercises all powers and duties with reference to examination, training, and licensing of persons desiring to teach. The section also directs it to supervise and inspect teacher training institutions. It is also one of the Commission's duties to furnish information relative to the profession of teaching to prospective teachers, and presumably teachers. Guidance programs are also under its authority. The fixing of standards of competence for teacher trainees and for licenses to teach are also listed in this section.

Some of these standards are for the teaching of new subjects as shall become necessary as a result of developments in science, aviation, business, and the social life.

Regulating the Use of A-V Aids

There are no references in the provisions of the Indiana Statutes to the regulation of the use of A-V Aids. The sections listed under distributing A-V Aids and Planning the Use of A-V Aids point out that the State Board of Education has the general authority, through its subdivisions, to organize these activities. The Commission on Text-book Adoption as well as the Division on School Libraries and Teaching Materials have such general powers that organization must also be included. Once they are permitted to organize, it seems reasonable to conclude that they can also regulate.

Also the Commission on General Education, as a sort of gap filler, was granted all those powers not exercised by the other State Commissions by section 406.

Financing Acquisition

The only provisions which relate to the purchase of any type of supplies are those which authorize the establishment of a joint service and supply fund. Section 719 indicates that any two or more school corporations within a county may make joint purchases. It is the County Superintendent who then disburses the funds, under section 720. The former section permits the purchase of necessary supplies.

Otherwise it appears that the school corporations have complete discretion in the disbursing of the funds appropriated to them. They only need see that they have suffucuent money to cover their costs. The means by which the funds are distributed tothe different school corporations is explained in the section on Financial Aid.

PRECEDING PAGES MISSING – Parts I & II

State: Indiana

Source of information unless otherwise stated: Burns Indiana Statutes, 1948 and 1961 Supplement

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

Sec. 2309: The superintendent selects and reports to the Board all charts, maps, textbooks, and apparatus to be used in the schools in his city (population over 300,000). When it comes to high schools, these enumerated types of equipment must first be selected by a committee. This committee consists of the superintendent, the high school principals, the principal of the manual training school, and the head of each department in which such charts, maps, textbooks, or apparatus are to be used.

Sec. 3436 empowers any school corporation or combination of corporations to carry on educational television instruction. Elementary and high school credit for such instruction, when approved by the Commission on General Education, may be given according to Sec. 3438.

Sec. 2410 provides for apparatus, other articles, and educational appliances necessary for the thorough organization and efficient management of the schools.

Sec. 2309: Cities with a population exceeding 300,000, being virtually autonomous, are permitted to select such materials as maps and charts. The word apparatus is again used, presumably to include all other types of equipment not enumerated.

Sec. 416: State Division on School Libraries and Teaching Materials is created. This Division initiates and superintends the maintenance of school libraries and instructional materials centers.

State: Indiana

Source of information unless otherwise stated: Title 28 of Burns Indiana Statutes, 1948 and 1961 Supplement.

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject.
Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes 2. Planning the use of AV aids

(a) Secs. 3436, 3438, 1907

(b) Secs. 416, 417

Yes 3. Preparing curricula

(a) Secs. 3401, 3418, 3414, 3436, 3438

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

(b) Sec. 408, 704, 4401, 4402, 675

Yes 5. Organizing AV units and cooperative activities

(b) Secs. 416, 417, 719, 720, 3436

Yes 6. Conferring on AV use outside of State educational structure

(b) Secs. 403, 1907, 3436

State: Indiana

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)
Secs. 405, 3436

Yes 8. Selecting textbooks (and observing academic freedom)
(a) Secs. 601, 607, 407, 659, 675, 614, 405, 604, 604, 620

(b) Sec. 663, 624, 676

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

(a) Sec. ~~2068~~, 719, 1907, 1101

(b) Secs. 614, 2410
Title 26

Yes 10. Financing acquisition by rent or purchase

(b) ~~Secs. 710, 719, 720, 912, 1013, 1016, 1018, 1021, 1022, 1023, 1027, 1029, 1030, 1031, 1106~~
1303, 1419, 1907, 2325

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel

See Topic No. 12 also Sec. 406

Yes 12. Distributing AV aids

(b) Sec. 2309, 659, 675, 416, 3438, 417

Yes 13. Producing AV aids

(b) Secs. 3436, 3438

Yes 14. Certificating teachers and AV professionals
(a) Sec. 4329, 4201, 4209, 4202, 4203, 4309, 4205
404, 408

Rule 27A, 1953, Rules and Regs. on Education

Yes 15. Prescribing qualifications of using personnel

(b) Sec. 408

State: Indiana

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

Secs. 304, 681

Yes 17. Building or remodeling schools to facilitate AV use

Secs. 410, 411, 415, 413, 1101, 1108, 1110, 1507, 1508, 2425
Rule B-1, Sec. 4, Ind. Rules and Reg. on Education

Yes 18. Federal aid to schools

(a) Sec. 5146

Yes 19. State aid to schools

Secs. 1021, 1029-1033

Yes 20. Private aid to schools

(a) Sec. 5116, 5118, 2424

Yes 21. Library programs

(a) Secs. 416, 417, 418, 419, 629, 649, 1433, 1434, 2308, 2309, 1907, 2324

No 22. Research programs

Yes 23. Institutes

Secs. 408, 704, 4401, 4402

____ 24. Other established procedures

2. Planning the use of AV aids.

See generally, old notes, same subject.
As noted in the old notes, Secs 3436 and 3438 are directly on point. Because of their particular relevance, (at least as far as Sec 3436 is concerned), the precise provisions should be set out:

3436-

"Any school corporation or combination of school corporations in this state is hereby authorized and empowered to singly or jointly carry on educational television instruction and such corporation or corporations are hereby authorized to contract with a commercial television station or stations for the use of the facilities and staff of such station or stations for such instruction."

3438 /Merely gives educational credits for the above instruction/

See also Sec 1907, <u>infra</u> note 9.

3. See old notes, subject "Courses of Study".

4. See generally, discussion under note 23. Also provision with respect to textbooks in note 8.

5. Organizing AV units and cooperative activities

See old notes, same topic discussing Secs. 416 and 417. See also note 12, infra referencing the same sections.

In addition, Sec 719, (note 9 infra) relates to cooperative activities between 2 or more school corporations with respect to the joint employment of professional personnel or joint purchase of necessary equipment.

Sec 720 establishes a joint fund for Sec 719 called joint service and supply fund.

Of course, Sec 3436 (note 2) could be broadly interpreted as authorizing the organization of TV units.

6. Conferring on AV use outside of State educational structure

See old notes, same subject. In addition, Sec 3436 should be referenced, note 2 supra.

7. Selecting AV aids

See discussion in note 8, especially with reference to Sec 405 relating to the adoption and approval of teaching materials (as well as textbooks). Again Sec 3436 may give a school corporation the power to select AV aids in the TV area.

8. Selecting Textbooks

Sec 405 provides for the creation of a commission on textbook adoption within the board of education. Then, Sec 407 goes on to grant, as a power and duty of such commission, the adoption and approval of textbooks and teaching materials in the public schools. (See old notes, same subject)

Ch. 6 is devoted to textbooks entirely. Under Sec 601, the State Board of Education must constitute a Board of Commissioners for the purpose of selecting and procuring textbooks. This board makes the complete decision (Sec 603) and makes the contract (Secs 604, 612), but the purchase of such books is at the lower level (614).

8 (con't) PART IV - continued (6)

Revision may be ordered by the state board (620).

Under Sec 624, local school trustees can provide a school library to contain textbooks adopted by the board or department of education.

That a state-approved list is drawn up is clear from Sec 675. It appears that this selection is good for 5 years(675).

Under Sec 676, each school corporation is authorized to borrow money to buy textbooks.

9. See old notes relating to theapplicability of Sec 2410. In addition to the discussion in the old notes, the following is of some pertinence:

Sec 719 provides as follows:

"Any two /2/ or more school corporations within a county may, through their respective school trustees and boards, engage in joint employment of professional personnel and/or in joint purchases of necessary supplies, equipment, and other materials which saidparticipating school officers may deem proper to the operation of their respective schools."

Hence, the joint acquisition of materials which could be interpreted to include AV aids, is authorized by statute.

For cities between 70,000 and 120,000 (Gary and Evansville), the following specific power is granted (Sec. 1907):

"Third, to establish and locate conveniently a sufficient number of schools and libraries and to provide suitable buildings, rooms, gymnasiums, structure/s/, facilities, furniture, apparatus and other articles and educational appliances necessary for the thorough organization and efficient management of such schools and libraries."

(A similar provisionm is present for cities between 100,000 and 300,000, see Sec 2068). Taxes can be levied assessed and collected to provide funds for the above (Sec 1907).

See also note 17, infra with respect to Sec 1101 which includes, as an item that trustees for townships, cities and towns can levy a tax for, "school apparatus".

10. There appear to be no specific sections relating to financing the acquisition of AV aids through rent or purchase. However, there are several sections authorizing the sale of school property. For example, Sec 1303 authorizes the sale of buildingsand material by Boards of Trustees of cities and schoolm towns when it is advantageous to do so. Sec 1419 authorizes the sale of unnecessary property by a city or town. For cities between 70,000 and 120,000 and 300,000 or above, one of the authorized powers is to sell real estate and personal property. (Secs 1907 and 2325 respectively). Presumably, such funds would become part of the general fundsavailable for any purchasesof AV material which might become necessary.

State: Indiana

PART IV - continued (8)

11. Regulating use of AV aids etc.

See old notes, same subject, and note 2 with respect to educational TV

12. Distributing AV aids

The only indication that such materials may be distributed by a state organization to local units is contained in Sec 417. Under Sec 417, instructional materials centers can in fact be established and are within the control of the division of school libraries and teaching materials. (See old notes same subject).

With respct to textbooks, the actual acquisition is accomplished at the lower level. Interestingly enough, even the sections referring to educational TV authorize the local school corporations to carry on educational TV instruction.

13. Producing AV aids

See old notes, same subject.

14. Certificating teachers etc.

Seeold notes, same subject

On pp. 63-64, Handbook on Teacher Education, Bulletin 192, 1954, a reference is made to Rule 27A presumably being Rules of the StateBoard of Education. Evidently, this rule provides for the certificating of an Audio-Visual Supervisor.

15. Prescribing qualifications of using personnel

See old notes, same subject.

Accrediting schools

16. Under Sec. 304, the Superintendent of Public Instruction may appoint an inspector of schools. He or they "shall make a report as to the conditionof all schools inspected, at least once each year, to the state board of education, who may authorize certificates of classification to be issued to such public schools as shall have met the requirements and recommendations of the state board of education." In this way, a method of accrediting schools is authorized.

In addition, under Sec 681, if a school selects books not on the approved list, the board of education has authority to cancel the commission of theoffending school or schools. Hence, in the textbook area, the state authorities have considerable power to compel compliance with textbook requirements.

17. Building or remodeling schools to facilitate AV use

Sec 410 gives to the state board of education, as an additional duty, the power to adopt rules and regulations as necessary and reasonable concerning the "adequacy of all new school sites and buildings or any modification of or addition to existing school buildings as will meet the demands of an efficient and successful education program for the state and its various communities." Such broad powers obviously provide a potential for control with respect to the provision for AV materials within the state board of education. Significantly, it appears that such control as to rule-making has been manifested in this area through the adoption of Rule B-1, Sec. 4 of Indiana's Rules and Regulations on Education (see thermo-fax copy of rule attached). Notably, specific dimensions are suggested along with specific facilities to facilitate the use of AV material.

Sec 411 creates the Divisionof Schoolhouse Planning in the State Department of Education (which is within the Commission on General Education). Sec 413 requires that all new, modified proposals must comply with above rules and regulations. Finally, in this area, Sec 415 provides as follows:

> "Where new schoolhouses are proposed and old ones are to be remodeled, school officials shall submit their separate projects to the director of the divisionof schoolhouse planning for review and approval before proceeding with such plans. Final approval shall come from the general commissionof the Indiana State board of education on recommendationof the state superintendent of public instruction and shall be in harmoney with the rules and regulations set up by the aforesaid commission."

The emphasis again on compliance with the above rules and regulations should be particularly noted. In the area of schoolhouse building and modification, there appears to be an extreme amount of centralization of control at the higher levels.

At the lower level, Sec 1101 authorizes the trustees of townships, cities and towns to levy a special tax for construction, renting, and repairing schoolhouses. Under Sec 1108, all school corporations,boards of school trustees etc are authorized to provide a cumulative building or renting fund to provide funds "to provide the original capital cost for the construction and equipment of new school buildings for classroom purposes" and to "provide the original capital costs of remodeling for school classroom purposes any building presently used for school purposes." Clearly, we have here a system which is specifically adaptable to the remodeling of buildings to include AV facilities. However, 1108 provides that the above fund, before being established, must be approved by the state board of ~~education~~ tax commissioners.

17. (con't) Under Sec 1110, a tax may be levied to obtain 1108 funds.

Sec. 1507 provides that a Board of School Trustees (for cities of 30,000 to 36,500) may, with the consent of the common council, purchase land and erect buildings for schools and, under Sec 1508, they may borrow money. Sec 1907 (see note 9 supra) gives the cities of Gary and Evansville the power toerect and maintain buildings and rooms, structures and facilities. Moreover, under Sec 2421, school corporations are generally authorizedto purchase buildings for school purposes and improve them.

Another pertinent provision is Sec 2425, which states:

> "All school corporations having the power of taxation shall have the power to acquire and improve such real estate as the governing bodies of such school corporations shall determine to be necessary to meet the needs thereof, and shall be authorized to issue bonds for the purpose of providing funds to pay the cost thereof. The term 'improve' as used in this section shall be construed to mean and include the construction and equipment of buildings and other structures, the remodeling, improvement and equipment of existing buildings, ***"

18. Federal aid
Old notes, subject, "Other Forms of Aid to Education".

19. State aid to education

A complete discussion may be found in the old notes under the topic, "Financial Aid to Education". The following few comments, however, should be noted:
It is correct that Sec 1021 establishes a Minimum Foundation Program; however, Sec 1029, set out, in part, below, establishes a Foundation Program as well. An editorial note in the Burns' Indiana Statutes indicates that Secs. 1021-1028 may well be superseded by Secs 1029-1033.

Sec 1029, because of its potential relevance to AV aids, should be quoted as far as relevant:

1029 - * * *

The foundation program of education asprovided for in this act shall include the following parts

(a) necessary instructional salaries for licensed instructional personnel computed as hereinafter provided;

(b) any current expenditures for maintaining and operating the school programs, which shall include all expenditures other than those for transportation direct capital outlay for the constructionof buildings or the purchase of grounds, debt service and moneys devoted directly or indirectly to the construction of buildings and school facilities.

20 Private aid to schools

See old notesunder topic "Other Forms of Aid to Education" citing Secs. 5116 and 5118. Another section (Sec 2424) provides generally that a school township has the right to acquire gifts. This section indicates the accounting method for the disposition of such gifts.

21 Library programs

See old notes for discussion of sections 416, 417, 418, 1433, 1434. See also Sec 1907, note 9 supra. Sec 1907 also states, as the Sixth power for Gary and Evansville, "to establish, own and conduct libraries and branches thereof, to have exc usive custody, management and control of and be vested with title to, any such libraries and branches***" In Sec 2324, in citieswith more than 300,000, the board has the power to establish and conduct free public libraries in connection with the common school system.

See also Secs 2308 and 2309 in old notes.

23. Institutes

Sec 408 indicates that the commission on teacher training and licensing has the duty of supervising and inspecting teacher training institutes.

Sec 704 provides, as one of the duties of the county superintendent, the conducting of teachers' institutes and he must labor in every way to "elevate the standard of teaching***".

Sec. 4401, primarily on point in this area, provides asx follows:

> "The county superintendent of schools of each county in this state is hereby authorized to call meetings once each month during the school year of the teachers of the county under his supervision for the purpose of organization, instruction, interchange of ideas, *** or any other purpose which, in the judgment of the county superintendent, will be useful or desirable for the advancement of the best interest of the schools of the county.***"

Sec 4402

> "There may beheld in each county in this state in each year, for not less than one [1] nor more than three [3] successive days, a teachers' institute ***".

It is quite clear that Indiana law authorizes the dissemination of information regarding the utilization of AV aidsto teachers wither through meetings or institutes.

IOWA (1959-60)

Enrollment in full-time public schools:

Elementary	456,986
High School	141,117
Number of school districts (including non-operating)	2,022
Number of elementary schools	3,806
Number of high schools (including junior high)	762
Expenditure per pupil in average daily attendance	$368

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960, OE-20006-60, pp. 6-7,9,11.

IOWA

County and Independent School Superintendencies

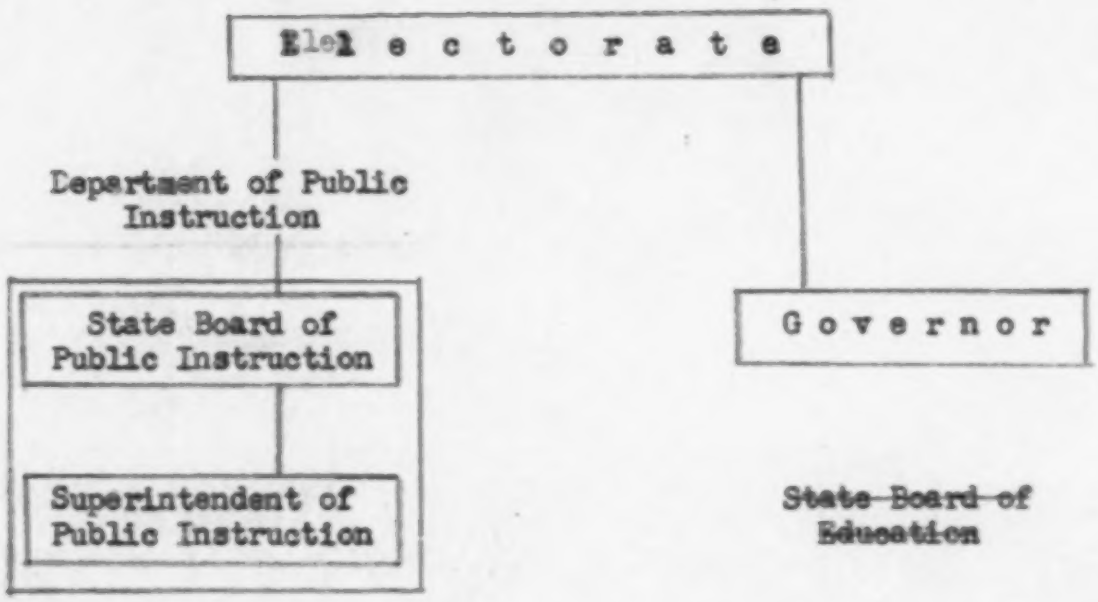
There are 658 school superintendencies in the State: 79 county-intermediate superintendencies, 20 partial county-unit superintendencies, and 559 independent city or town superintendencies. The superintendents in 54 of the 79 county-intermediate superintendencies perform all administrative functions for areas comprised of two or more local districts, each district operating its schools independently. In the remaining 25 counties, the county superintendent performs mainly a service function.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 72.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 71-73.

I O W A

1. State Educational Structure Chart(relating only to elementary & secondary public schools)



2. State Education Boards

a. Schools...

State Board of Public Instruction.--Consists of 9 members, 1 member elected from each of 8 State board of public instruction districts (boundaries of districts are coterminous with the 8 congressional districts existing on January 1, 1953) and 1 member appointed by the governor, subject to confirmation by two-thirds of the senate in executive session. The successors of the first members, whose terms were determined by lot, hold office for overlapping 6-year terms. Members of the board are chosen at conventions called in a State board of public instruction district each time the term of the member from that district is about to expire. Delegates to the convention are nominated and elected by county boards of education and specified boards of education of independent or consolidated districts within the State board of public instruction district. Only those independent or consolidated districts containing a city of five thousand or more population and maintaining a 4-year high school are authorized to send delegates. The number of delegates is regulated by population in accordance with the plan prescribed in the law. Members of the board must be qualified electors of the State and may not hold any other elective or appointive public office. In order to preserve the lay character of the State board of public instruction, no person is eligible for membership who engages in professional education for the major portion of his time or who derives a major portion of his income from any business or activity connected with education.

3. Chief State School Officer

Under the provisions of the new legislation effective July 4, 1953, the superintendent of public instruction will be appointed for a 4-year term by the State board of public instruction with the approval of two-thirds of the members of the senate in executive session. The first appointment of a State superintendent will be made effective January 1, 1955. The superintendent elected in 1950 will continue in office until that time, with all rights, powers, and duties conferred on the office of superintendent of public instruction. The superintendent must hold a master's degree in education or some related field, must have at least five years' experience in educational administration, and must hold or be eligible to hold a regular Iowa superintendent's certificate based on training. The superintendent is the executive officer of the State board of public instruction.

7. Coordination of the State Education System Through Structure

The State board of public instruction is responsible for the coordination of the State program of public elementary and secondary education...

9. Fiscal Coordination

Two state educational agencies, the State board of public instruction and the State board of education, transmit budgetary requests to the State comptroller. The State comptroller, an appointee of the governor, serves in a staff capacity to the governor in the preparation of the State budget. The comptroller is under the direction, supervision, and control of the governor and holds office at the governor's pleasure.

The governor has authority to eliminate, decrease, or increase any budget item requested by an educational agency. Hearings on budget requests are held by the governor and comptroller for the purpose of formulating recommendations concerning specific revisions. The budget requests are then incorporated into the governor's budget, which is transferred to the legislature. However, the budget report as submitted to the legislature shows the proposed budget requests of the educational agencies together with the governor's recommendations.

IOWA

(All references are to Title XII of the Iowa Code of 1960, unless otherwise stated.)

State Organization

The State Board of Public Instruction is established by section 257.1. It appoints the State Superintendent of Public Instruction pursuant to section 257.11. Under his direction there is the State Department of Instruction, who acts as administrative , supervisory, and consultative agency for the Superintendent. The section which creates the Department is section 257.19. It also states that the Department shall assist the Superintendent in carrying out such policies, procedures, and duties authorized by law or by the regulations of the State Board. The State Department is divided into smaller units, subject to the approval of the State Board, according to section 257.20. The State Superintendent is also authorized to appoint two, no more, assistants, subject to the State Boards approval by section 257.22. The State Board also constitutes the Board of Educational Examiners, who determine whether applicants can teach. This incidental body is set up by section 260.1.

A County School System is provided for in section 273.1, as a part of the Public School System of the State. Pursuant to section 273.2 it embraces all the County's Public Schools, except those independent and concolidated school Districts that maintain four year high schools. The County Superintendent is appointed by the County Board, according to sections 273.13(1.) and 273.14.

The Board of Directors of each District or corporation are directed to organize by section 279.1. They then appoint a Secretary and Treasurer from outside the Board, pursuant to section 279.3. If the Board is organized in a community or independent high school District, or school township with a high school, section 279.14 permits them to employ a Superintendent of Schools as executive officer of the Board.

Authority and Supervision

The General powers and duties of the State Board are found in section 257.9. Among those listed are the adoption of necessary rules and regulations for the proper enforcement and execution of the school laws, determine and adopt those policies authorized by law and necessary for the efficient operation of any phase of public education. The Board also has more specific responsibilities which are spelled out in section 257.10.Some examples of those are to constitute a continuing research commission and approve plans submitted by the State Superintendent for cooperating either with the federal government or any other agency.

The State Superintendent is directed by section 257.17 to exercise general supervision over public education, organize, staff, and administer the State Department, and carry out all orders of the State Department. Other more specific responsibilities are given in section 257.18. He is responsible for classifying all schools under the supervision of his department, formulating courses of study for those schools, appointing at least one county institute in each county a year, and apportion all moneys provided by law.

The County Board of Education, after considering the recommendations of the County Superintendent, is authorized to adopt rules and regulations it deems necessary for the efficient operation of the County School System, as well as determine and adopt policies in the furtherance of a more efficient school system. These duties are found in section 273.12. The County Board is also directed to adopt text-books and other instructional material for rural school districts, adopt rules and regulations, when expedient, and provide for the establishment of county school libraries, as well as copperate with all agencies in the adjacent counties in all matters relating to the improvement of the educational system. These are just a few of the specific duties enumerated in section 273.13.

The County Superintendent's functions are of two kinds. In the first place, he is the County Board's recorder and ministerial agent. Then he has the job of recommending policies to the Board, who may or may not adopt them. Section 273.18 indicates that these may become rather involved. Another of his duties, according to section 297.17 , is to notify a Board president of the Board's

failure to arrange for school facilities, when the school has closed.

The Board of Directors of each corporation is directed to visit the schools to enforee its rules and regulations by section 279.23. They also are permitted to purchase supplies and text-books by section 279.25. Another of its responsibilities is the supervision of all books and the equitable distribution thereof, pursuant to section 292.8.

The President of the Board of Directors presides at all meetings and acts in a fiscal capacity. The authority for this is section 291.1. Whereas, the Superintendent is the executive officer of the Board, according to section 279.14. The other Board officers, the Secretary and Treasury, serve in purely ministerial capacities. Their duties may be found in sections 291.6 and 291.12.

Elections and Appointments

The election in each county of the State Board of public Instruction District is conducted pursuant to the procedure spelled out in section 257.5. Once elected the State Board appoints the State Superintendent according to section 257.11.

The County Board of Education is also elected as provided in section 273.4. Similarly, they appoint the County Superintendent as authorized in section 273.13(L.).

Section 274.7, which establishes the Board of Directors in each corporation or District, merely states that the members are chosen. How or Form where they are chosen is not included. However, in providing for joint Districts, section 275.18 authorizes the election of Directors. Also Chapter 277 is concerned with the election of all Directors.

The Secretary and Treasurer of the District Boards are appointed by the Board members, according to section 279.3. On the other hand, the Superintendent is employed by the Board to act as their executive officer, pursuant to section 294.14.

Courses of Study

Chapter 280 is concerned with the different courses to be taught in the Iowa public schools. The power to prescribe the courses is in the Board of Directors of the school corporation, according to section 280.1. The required courses are enumerated by section 280.3, and subsuquent sections. Although the Board of Directors have the authority to prescribe the courses taught in the higher and graded schools, it is subject to the approval of the State Board of Public Instruction, according to section 280.17.

The County Board of Education is directed by section 273.13 (4) to approve the curriculum as recommended by the County Superintendent in conformity with the course of study prescribed by the State Board. However, there does not appear to be any express grant of authority to the State Board in this area.

In "Standards for the Approval of School Districts", Circular No.100a(revised), published by the State Board pursuant to its authority in section 257.10(12) in Standard 40 provides that each school board is to describe its course of study and file that description with the Department of Public Instruction. It also authorizes certain courses as basic for both elementary and secondary schools, before their educational programs may be approved.

Advising Subordinates

The State Board of Education is responsible for advising and counseling, with the State Superintendent, and other school officials concerning the school laws and the rules and regulations adopted pursuant thereto. This is subpart 4 of section 257.10. The State Superintendent is directed by 257.18(10) to do this also. Another power he has is to ascertain by inspection, supervision, or otherwise the condition, needs and progress of the schools. Then he is to make recommendations for the correction of deficiencies. This language is found in section 257.18(12).

On the local level the County Superintendent is authorized by section 273.18(6) to advise and counsel local boards of education concerning their immediate problems and the development of a long-time plan of education.

In Circular No. 100a (revised), Summer 1961, entitled "Standards for the Approval of School Districts", published pursuant to the authority vested in the State Board by section 257.10, Standard 28 requires that all elementary school teachers meet certain personnel standards. It is an example of how the State Board is meeting its responsibility in this area. Among the subjects covered in this circular is the educational program and guidance, activities program, curricula, and facilities.

Organizing A-V Units

Although there is no specific provision covering the organization of A-V Aid units, a number of relevant provisions may help to suggest how this might operate.

A related area in which it is apparent that the State Board is dominant, is the adoption of courses of study. Although the courses are chosen at the local level, according to section 280.1, they are all subject to the aporoval of the State Board, as provided in section 280.17. Furthermore, the State Board, pursuant to its authority in this area and in determining standards for the schools, has published a circular, which suggests that the State Board also determines the way in which such equipment as A-V Aids shall be used. This is Circular 100a (revised) Summer 1961 called "Standards for the Approval of School Districts." See specifically Standard 70.

The County Superintendent's power in the area of managing conferences, included in section 273.18, appears to be somewhat ambiguous. Perhaps this may be such an authority in the field of organizing that it would lend itself to A-V units.

Nevertheless, it is the State Board who is responsible for certifying, not only administrative and supervisory, but also instructional personnel, pursuant to section 257.10(11). This again gives them the last word on who is qualified and in what subject.

Conferring on the Use of A-V Aids

The State Board is directed by section 257.10(7) and (8) to approve plans submitted by the State Superintendent for cooperating with all other agencies and adopt a long-range program for the State system based upon research studies. Not only does the State Superintendent recommend plans for cooperating with other agencies to the State Board, but section 257.18(10) authorizes him to advise and counsel concerning the interpretation and meaning of the school laws and regulations, and, when practicable, adjust and settle controversies arising thereunder.

The County Boards are directed to cooperate with other agencies, once those programs are approved by the State Board. This language is found in section 273.13(9). The County Superintendent has more authority in this field than does the County Board. In section 273.18 (8), (9), and (20) provide that he promote through meetings and conferences with school officers, teachers, and parents an active interest in desirable types of school education; conduct teachers' institutes and conferences for the in-service training of teachers; and serve as as means of communication between the Department of Education and the various school officers and teachers, when requested by the State Superintendent.

Selecting Text-books

The Board of Directors of each school corporation is empowered to adopt text-books, to buy, and either sell or loan them to pupils by section 301.1. Once purchased, the books are the responsibility of the Board under such rules and regulations as the Board may adopt according to section 301.2. When a list of text-books is adopted as provided for in section 273.13(4), they are to be used by all the public schools in the County. This language is found in section 301.1. The adoption provided for in section 273.13(4) is performed by the County Board of Education.

Section 278.1(1) permits the electors to change the text-books used at the general election. Otherwise the books remain on the list for five years.

Selecting and Acquiring A-V Aids

The Iowa School Laws have no reference to A-V Aids. However, some of the provisions discuss equipment and supplies in a way which may be pertinent to this study.

Section 279.25 authorizes the Boards of Directors of each school corporation to purchase dictionaries, library books, maps, charts, and apparatus to an amount not exceeding two-hundred dollars in any one year for each school building under its charge. Yet, it is the State Superintendent who prescribes the minimum requirements for standard schools in such areas as teaching and general equipment. This language is found in section 293.2

Section 301.4 indicates that all books and other supplies purchased shall be paid out of the General Fund. If there is an additional amount necessary, the Board of Directors certifies this to the Board of Supervisors.

In grading schools some of the standards employed are listed in the Circular published by the State Board entitled "Standards for the Approval of School Districts". Standard lists criteria for instructional equipment and supplies. One of the subheadings is Special Equipment, which specifically refers to A-V Aids. This indicates that the School Laws need not refer to this subject directly, as long as the terms used are defined broadly to permit flexibility.

Acquisition of Funds

The County Superintendent is directed to prepare and submit a budget with the County Board of Education by section 273.18(16). The County Board then considers the budget and certifies to the Board of Supervisors the estimates of amounts needed.

The County Auditor has all the local budgets certified to him, pursuant to section 24.17. Begore he forwards copies to the State Board, he prepares a summary, according to section 24.18. Once in the hands of the State Board, they review and pass on all expenditures. This language is found in section 24.30.

Section 302.15 states that all money accrued to the School Fund is managed and controlled by the State Treasurer. He is responsible for the safekeeping, investment, and disbursement of the same. The County Treasurer holds a similar position with respect to the County. According to section 334.1 he receives all monry payable to the County. It is the County Auditor who apportions the school funds to which the County is entitled. Before doing so, section 298.11 requires him to notify the County Treasurer, who then pays out the money.

Regulating the Use of A-V Aids

The School Laws are not very helpful in this area. Section 257.10(12) is a general grant of authority to prescribe minimum standards and rules and regulations as required by law or are recommended by the State Superintendent, pursuant to section 257.18(13), in accordance with law, and as it may find desirable to aid in carrying out the provisions of the Iowa School Laws.

Pursuant to this section the State Board has published "Standards for the Approval of School Districts" in Circular No. 100a (revised), Summer 1961. In that publication under the caption V. Facilities and Equipment is included the subheading Instructional Equipment and Supplies. That is concerned with explaining how to determine the rating for a number of areas. Among those areas is Special Equipment or Audio-Visual Aids. It is here that the State Board indicates how A-V Aids are regulated.

The questions which are to be considered are the following:
Are the spaces and equipment adequate for a diversified program?
Do the facilities of the room make provision for meeting the individual needs of the pupils?
Is the equipment kept in good repair?
Is storage space adequate?
Are the lighting facilities adequate?

Distributing A-V Aids

The Iowa School Laws do not refer to the distribution of A-V Aids specifically, but there are a number of provisions which are suggestive of this area. The laws indicate that this function is in the hands of the Boards of Directors of the individual school corporations. Section 292.8 provides that the Board of Directors has supervision of all books, and shall make an equitable distribution thereof amongthe schools of the corporation. Support for this authority is found in section 301.1 which empowers the Board of Directors to buy text-books and any and all other necessary school supplies and sell or rent them to the pupils.

Producing A-V Aids

The School Laws of Iowa contain no reference to A-V Aid production, either directly or indirectly. Nothing in the laws appears to be helpful as a suggestion in this field.

Certification of Teachers and Standardization of Schools

No person can be employed as a teacher in a school which wants to receive its share of the School Fund if they do not have a certificate of qualification given by the County Superintendent, according to section 294.1. The County Superintendent also has the authority to recommend the revocation of any certificate to the Board of Examiners in section 273.18(18).

The State Board of Public Instruction constitutes the Board of Examiners as provided for in section 260.1. It is this body who issues certificates to teach, pursuant to the authority conferred by section 260.2. The certificates are of may types. Section 260.6 lists the different one and the following sections explain the requirements for each. As a final step before teaching, all those who have been issued a certificate must then register with the County Superintendent. This procedure is found in section 260.20.

The State Board of Public Instruction is responsible for establishing standards for degrees and certification of the students of all schools, according to section 257.10(11). The State Superintendent is authorized to formulate standards, subject to the approval of the State Board for the approval of all schools. Section 257.18(13) also states that he may remove any school failing to comply from the approved list. Then the Superintendent is also to classify and define the various schools pursuant to section 257.18(17). This power is spelled out in more detail in section 293.2. There it states that the Superintendent shall prescribe for standard schools the minimum requirements for teaching, general equipment heating, library, and many other building standards, as well as any other that he deems necessary.

Pursuant to the authority conferred upon the State Board by section 257.10, they have published Circular No. 100a (revised), Summer 1961. It is entitled "Standards for the Approval of School Districts." Some of the standards included cover such areas as facilities and equipment and instructional supplies.

Prescribing Qualifications for Personnel

Although the Iowa School Laws contain no provision directly related to prescribing qualifications for personnel using A-V Aids, other provisions may yet be helpful.

The State Board is responsible through section 257.10(11) for certifying administrative, supervisory, and instructional personnel, prescribing classes of certificates, and exercise all the powers of the Board of Educational Examiners conferred upon it by Chapter 260, which covers the certification of teachers.

~~The County Superintendent in section 273.12(6) and (7) is empowered to advise and counsel local boards concerning their problems and to supervise instruction in the schools. In subpart (18) he also recommends to the Board of Examiners the revocation of teachers' certificates, for any good cause.~~

Pursuant to its authority conferred by section 257.10, the State Board publishes circulars to guide in the self-evaluation of school systems. The latest is No. 100a (revised), Summer 1961 entitled "Standards for the Approval of School Districts." That circular contains much pertinent material about the subjects teachers need to know in their educational programs. For example Standard 70, called Instructional Equipment and Supplies, lists criteria to be followed in determining the rating of such areas as text-books, laboratories, and special equipment as Audio-Visual Aids.

Federal Aid to Education

Chapter 283 deals with the specific problem of Federal Aid. The State Board of Public Instruction is designated to accept and administer those funds appropriated by Congress for educational purposes, by section 283.1. That section also provides that the State Treasurer receives the funds and distributes them. It also permits the State to use matching funds when required.

Section 283.2 authorizes the State Board to accept services, commodities, and surplus property also. Furthermore, it is to make distribution to those agencies who are designated authorized receipients bt Congress.

Other Aid to Education

Section 565.6 authorizes school corporations, along with counties, towns, and municipalities to accept property received by bequest or gift. They are also permitted to administer the same. This appears to be the only specific reference to the acceptance of private aid for education.

Library and Research Programs

The County Board of Education is responsible for adopting rules and regulations for the establishment and maintenance of county school libraries, pursuant to section 273.13(6). The County Superintendent is then directed to recommend plans for their establishment and maintenance, according to section 273.18(14). All of this, howeve , is subject to Chapter 292 on Common School Libraries.

In that Chapter it is provided that the County Board of Education is to purchase the books and distribute the books to the different libraries. If the school libraries are permanent, their Directors are permitted to exchange books between school Districts. This language is all found in section 292.2. The books used in the school libraries are listed by the State Board of Education, as provided in section 292.4. Unless the Board of Directors elect someone, the Secretary in independent Districts, and the Director in subdistricts are to act as librarian in accordance with rules and regulations prescribed by the State Board. This authority is found insection 292.6.

After the books are distributed to the Districts by the County Board, the Board of Directors have the supervision of all books and are responsible for their equitable distribution, according to section 292.8.

Public Libraries are established by Chapter 378. Their support is to come from either a township or a count tax in sections 378.14 or 378.15.

Chapter 303 also creates State Law and Medical Libraries.

The State Board of Education is directed to adopt a long-range program for the state system of education based upon special studies, surveys, research, and recommendations submitted by or proposed by the Superintendent of Public Instruction, pursuant to section 357.10 (8). The Board is also responsible for constituting a continuing research committee as to public school matters in the State. This language is found in section 357.10(9).

The State Superintendent is authorized by sectior 257.18(20) to appoint at least one, and not more than two, county or multiple county educational meetings or institutes each year. The program and lecturers are subject to his approval.

The County Superintendent is empowered by section 273.18(8) to conduct teachers' meetings, institutes, demonstrations, and other professional meetings for the inservice training of teachers, in accordance with the regulations of the Department of Education.

In Circular No. 100a(revised) entitled "Standards for the Approval of School Districts," published by the State Board pursuant to the authority conferred upon it in section 257.10(12), it is provided that each elementary school classroom have certain library-type equipment. Not only are there standards covering readers, collateral reading materials, periodicals, encyclopedias and dictionaries required, but each classroom must have open bookshelves to accomodate 150 books. Standard 64 provides that each Junior High School shall have a central library and Standard 65 states that the minimum number of books, exclusive of general reference works, shall be 1750 books. Senior High Schools have the same requirements.

Iowa

Financial Aid to Education

Chapter 286A is concerned with the General Aid to Schools. Section 286A.1 states that the school Districts are to receive financial aid from the State as provided for in this Chapter. The funds are distributed according to the basis set up in section 286A.3; that is seventeen cents per day per pupil in elementary school and twenty cents per day per high school pupil. Then the funds are allocated pursuant to the procedure in section 286A.4. The purposes of the funds are outlined in section 286A.7, where it states that the cost of operating and maintaining the school and the cost of instruction are designated the purposes.

For the purpose of equalizing educational opportunities the school are authorized to recieve supplementary aid by section 286.1. To obtain the funds each District must qualify theretofore. The funds are to make up the difference from one-dundred twenty dollars per elementary school pupil and one-hundred seventy per high school child. This language is found in section 286.4 The basis and determination of this supplementary aid are explained in sections 287.5 and 286.6.

Other revenues received for the school system include the District tax provided for in section 298.1 and a semi-annual apportionment by the County Auditor of the interest from the Permanent School Fund and rents on unsold school lands, which are authorized by section 298.11.

Section 279.1 permits a transfer from the General Fund into the Schoolhouse Fund, but only when it is a surplus. At the same time if the Schoolhouse Fund has a surplus, it may be transferred to the General Fund, once decided by the electors. This language may be found in 278.1 The Schoolhouse Fund contains that money collected by tax and certified to pay interest or principle on legal debts or for the purchase of school sites. All other moneys received for any other purpose is called the General Fund. This statement is found in section 291.13.

Another Fund has been entitled the Permanent School Fund. Chapter 302 indicates that the major sources are intestate escheates, penalties, and forfeitures. The interest is allocated annually to the several school Districts, according to section 292.1 for the purchase of library books.

PRECEDING PAGES MISSING - Parts I to II

State: Iowa

Source of information unless otherwise stated: Title XII of the Iowa Code of 1960

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

There is no statutory authority relating specifically to audio-visual media and their use. However, the following is quoted from Circular No. 100a (revised) of the Department of Public Instruction, State of Iowa, Summer 1961, entitled Standards for the Approval of School Districts:

Standard 70: Instructional Equipment and Supplies

Instructional equipment and supplies, such as: science apparatus, laboratory tables and demonstration desks; shop tools and machinery; gymnasium equipment, apparatus, and supplies; equipment for home economics and agricultural laboratories; equipment and supplies for business education, art, and music rooms; audio-visual aids equipment; maps, atlases and charts; library books, encyclopedias and reference books, textbooks, and supplies shall be adequate and shall be used in such manner as to meet the needs of instruction for all courses and activities offered.

.....

2. Special equipment

   a. Audio-visual equipment located in each school building might include: sound motion picture projectors (16mm), combination filmstrip and 2 x 2 inch slide projectors, projection screens, record players, radios (AM-FM), television receivers, tape recorders, movable equipment stands, etc.

State: Iowa

PART III - continued (2)

b. Audio-visual equipment readily available to each school building might include; opaque projectors, micro-projectors (one for each junior and senior high school), portable public address systems, etc.

c. Additional equipment might include; globes, models, maps, teaching machines for programmed materials, other electronic aids, etc.

Sec. 279.25. The Board of Directors of each school corporation may.....purchase dictionaries, library books, including books for the purpose of teaching vocal music, maps, charts and apparatus for the use of the schools thereof to an amount not exceeding two hundred dollars in any one year for each school building under its charge.....

State: Iowa

Source of information unless otherwise stated: Title XII of the Iowa Code of 1960

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject.
Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes — 2. Planning the use of AV aids
(b) Secs. 257.10(8), 257.18(8)

Yes — 3. Preparing curricula
(a) Secs. 280.1, 280.3, 280.17, 273.13(4), 257.10(12)

Yes — 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available
(b) Secs. 257.10(4), 257.18(10), 257.18(12), 273.18(6)

Yes — 5. Organizing AV units and cooperative activities
(b) 280.1, 280.17, 273.18, 257.10(11)

Yes — 6. Conferring on AV use outside of State educational structure
(b) 257.10(7 and 8), 257.18(10), 273.13(9), 273.18(8, 9, and 20)

State: Iowa

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)

See Topics 8 and 9.

Yes 8. Selecting textbooks (and observing academic freedom)
(a) Sec. 301.1, 301.2, 273.13(4), 301.15, 278.1(1)

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

Secs. 279.25, 301.1

Yes 10. Financing acquisition by rent or purchase

(a) 273.18(16), 301.4, 302.15, 334.1

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel

(b) Sec. 257.10(12), 257.18(13)

Yes 12. Distributing AV aids

(b) Sec. 292.8, 301.1

No 13. Producing AV aids

Yes 14. Certificating teachers and AV professionals

(a) Sec. 294.1, 273.18(18), 260.1, 260.2, 260.6, 260.20, 257.10(11)

Yes 15. Prescribing qualifications of using personnel

(b) Sec. 257.10(11), 273.18(6 and 7)

State: Iowa

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

(a) Sec. 257.10, 257.18, 293.2

Yes 17. Building or remodeling schools to facilitate AV use

Sec. 297.7

Yes 18. Federal aid to schools

(a) Sec. 283.1, 283.2

_____ 19. State aid to schools

Yes 20. Private aid to schools

(a) Sec. 565.6

Yes 21. Library programs

(a) Sec. 273.13(6), 273.18(14), 292.2, 292.4, 292.6 292.8, 378.14, 378.15

Yes 22. Research programs

(a) Sec. 257.10(8), 257.10(9)

Yes 23. Institutes

(a) Sec. 257.18(20), 273.18(8)

Yes 24. Other established procedures

See Topics 6 and 23.

State: Iowa

PART IV - continued (4)

Topic 2 - Planning the use of AV aids

Sec. 257.10 providing for the powers and duties of the State Board of Public Instruction seems to grant sufficient general powers to the Board to enable it to be the initiating agency for the planning of the use of AV aids.

Specifically sub-part (8) authorizing the State Board to adopt a long-range program for the state system of public education based on special studies, research, surveys and recommendations along with Sec. 257.18(8) authorizing the State Superintendent to recommend ways of cooperating with other governmental agencies in administering all phases of public education are particularly relevant.

Topic 3 - Preparing curricula

Sec. 280 provides that the State Board has the power to prescribe the courses to be taught in the public schools. The required courses are enumerated by Sec. 280.3, and subsequent sections.

Sec. 280.17 grants authority to the Board of Directors of the school districts to prescribe courses taught in the higher and graded schools. However, this power is subject to the approval of the State Board.

Sec. 273.13(4) directs the county board of education to approve the curriculum as recommended by the county superintendent in conformity with the course of study prescribed by the State Board.

In "Standards for the Approval of School Districts", Circular No. 100(a) (revised), published by the State Board pursuant to its authority under Sec. 257.10(12), standard 40 provides that each school board is to describe its course of study and file that description with the Department of Public Instruction. It also authorizes certain courses as basic for both elementary and secondary schools, before their educational programs may be approved.

Topic 4 - Advising subordinate units

Sec. 257.10(4). The State Board of Public Instruction is responsible for advising and counseling, with the State Superintendent, and other school officials concerning the school laws and the rules and regulations adopted pursuant thereto. The same power is granted to the State Superintendent, Sec. 257.18(10).

Sec. 257.18(12) provides that the State Superintendent is to ascertain by inspection, supervision, or otherwise the condition, needs and progress of the schools. Then he is to make recommendations for the correction of deficiencies.

On the local level the county superintendent is authorized by Sec. 273.18(6) to advise and counsel local boards of education concerning their immediate problems and the development of a long-time plan of education.

State: Iowa

PART IV - continued (5)

Topic 5 - Organizing AV Units

There is no specific provision covering the organization of AV units.

In related areas, it is apparent that the State Board is dominant. Such an area is adoption of courses of study. Although the courses are chosen at the local level, Sec. 280.1 provides that they are all subject to approval by the State Board. (Also see Sec. 280.17.)

Secondly, the State Board has put out a circular prescribing standards for schools. This suggests that the State Board determine the way in which equipment such as AV aids shall be used.

The county superintendent's power in the area of managing conferences, Sec. 273.18, appears to be somewhat ambiguous. Perhaps this may be such an authority in the field of organizing that it would lend itself to AV units.

By Sec. 257.10(11) it is the State Board who is responsible for certifying, not only administrative and supervisory, but also instructional personnel. This again gives the Board the last word on who is qualified and in what subject.

Topic 6 - Conferring on AV use outside of State educational structure

The State Board is directed by Sec. 257.10(7) and (8) to approve plans submitted by the State Superintendent for cooperating with all other agencies and adopt a long-range program for the State system based on research studies.

Sec. 257.18(10) authorizes the State Superintendent to advise and counsel on the interpretation of the plans so submitted.

Sec. 273.13(9) directs the county board to cooperate with other agencies once those programs are approved by the State Board.

Sec. 273.18(8), (9), and (20) provide that the county superintendent shall promote through meetings and conferences with school officers, teachers and parents an active interest in desirable types of school education, conduct conferences for in-service training of teachers, and serve as a means of communication between the Department of Education and teachers.

Topic 7 - Selecting AV aids

Although there is no specific provision for the selection of AV aids, it is reasonable to assume that they are selected by the Boards of Directors of the various school corporations, pursuant to their power to adopt textbooks (see Topic 8) and to purchase supplies and equipment (see topic 9).

State: Iowa

PART IV - continued (6)

Topic 8 - Selecting textbooks

Sec. 301.1 provides that the Board of Directors of each school corporation is empowered to adopt textbooks, to buy, and either sell or loan them to pupils. Once purchased, the books are the responsibility of the Board under such rules and regulations as the Board may adopt, Sec. 301.2.

When a list of textbooks is adopted as provided for in Sec. 273.13(4), they are to be used by all the public schools in the county, 301.15. The adoption provided for in Sec. 273.14(4) is performed by the county board of education.

Sec. 278.1(1) permits the electors to change the textbooks used at the general election. Otherwise the books remain on the list for five years.

Topic 9 - Acquiring AV aids

Sec. 279.25 authorizes the Boards of Directors of each school corporation to purchase dictionaries, library books, maps, charts, and apparatus to an amount not exceeding two hundred dollars in any one year for each school building under its charge.

Sec. 301.1 empowers the Boards of Directors to buy textbooks for use in the schools.

Topic 10 - Financing AV aids

Sec. 301.4 provides that all books and other supplies purchased shall be paid out of the General Fund. If there is an additional amount necessary, the Board of Directors certifies this to the Board of Supervisors.

These AV aids, textbooks, supplies, etc. are part of a budget prepared by the County Superintendent and county board according to Sec. 273.18(16). This budget is then submitted to the board of supervisors.

The State School Fund is managed by the State Treasurer (Sec. 302.15) and the fund appropriated to cover the budget of the county schools is managed by the County Treasurer, Sec. 334.1.

Topic 11 - Regulating Use

Generally, Sec. 257.10(12) gives a general grant of authority to prescribe minimum standards and rules and regulations as required by law or are recommended by the State Superintendent, Sec. 257.18(13).

State: Iowa

PART IV - continued (7)

Pursuant to this section the State Board has published "Standards for the Approval of School Districts" in Circular No. 100(a), 1961. In that publication under the caption V., Facilities and Equipment, is included the subheading Instructional Equipment or Audio Visual Aids. It is here that the State Board indicates how AV aids are regulated.

Topic 12 - Distributing AV Aids

The laws indicate that this function is in the hands of the Boards of Directors of the individual school corporation. Sec. 292.8 provides that the Board of Directors has supervision of all books, and shall make an equitable distribution thereof among the schools of the corporation. Additional authority is found in Sec. 301.1 which empowers the Board of Directors to buy textbooks and any and all other necessary school supplies and sell or rent them to the pupils.

Topic 14 - Certificating teachers

The State Board of Public Instruction constitutes the Board of Examiners as provided for in Sec. 260.1. It is this body who issues certificates to teach, pursuant to the authority conferred by Sec. 260.2. The certificates are of many types. Sec. 260.6 lists the different ones and the following sections explain the requirements for each. As a final step before teaching, all those who have been issued a certificate must then register with the County Superintendent, Sec. 260.20.

No person can be employed as a teacher in a school which wants to receive its share of the School Fund if they do not have a certificate of qualification given by the county superintendent, Sec. 294.1. The county superintendent also has the authority to recommend the revocation of any certificate to the Board of Examiners in Sec. 273.18(18).

Topic 15 - Prescribing qualifications

The State Board is responsible through Sec. 257.10(11) for certifying administrative, supervisory, and instructional personnel, prescribing classes of certificates, and exercise all the powers of the Board of Educational Examiners conferred upon it by Chapter 260 which covers certification of teachers.

The county superintendent, Sec. 273.18(6) and (7) is empowered to advise and counsel local boards concerning their problems and to supervise instruction in the schools. In sub-part (18) he also recommends to the Board of Examiners the revocation of teachers' certificates, for any good cause.

Topic 16 - Accrediting schools

Sec. 257.10(11) provides that the State Board is responsible for establishing standards for degrees and certification of the students of all schools.

The State Superintendent is authorized to formulate standards, subject to the approval of the State Board for the approval of all schools.

State: Iowa

PART IV - continued (8)

Sec. 257.18(13) states that the State Superintendent may remove any school failing to comply from the approved list. He is to classify and define the various schools pursuant to Sec. 257.18(17). This power is spelled out in Sec. 293.2. There it is stated that Superintendent shall prescribe for standard schools the minimum requirements for teaching, general equipment and heating, library, and many other building standards, as well as any others that he deems necessary.

Topic 17 - Building and remodeling schools

Sec. 297.7 provides that before erecting a schoolhouse, the board of directors shall consult with the county superintendent as to the most approved plan for such building, and secure his approval of the plan submitted.

Before any one-room schoolhouse shall be erected or repaired at a cost of exceeding $500, or before any schoolhouse containing more than one room shall be erected or repaired at a cost exceeding $2,500, proposals therefor shall be invited by advertisement in the newspaper to two weeks and the contract shall be let to the lowest responsible bidder.

Topic 18 - Federal aid

Chapter 283 deals specifically with federal aid. Sec. 283.1 authorizes the State Board to accept and administer those funds appropriated by Congress for educational purposes. The State Treasurer shall receive and distribute said funds.

Sec. 283.2 authorizes the State Board to accept services, commodities, and surplus property. Furthermore, it is to make distribution to those agencies who are designated authorized recipients by Congress.

Topic 19 - State aid

Chapter 286A is concerned with the General Aid to Schools. Section 286A.1 states that the school districts are to receive financial aid from the State as provided for in this Chapter. The funds are distributed according to the basis set up in Section 286A.3; that is seventeen cents per day per pupil in elementary schools and twenty cents per day per high school pupil. Then the funds are allocated pursuant to the procedure in Section 286A.4. The purposes of the funds are outlined in Section 286A.7, where it states that the cost of operating and maintaining the school and the cost of instruction are designated the purposes.

For the purpose of equalizing educational opportunities the schools are authorized to receive supplementary aid by Section 286.1. To obtain the funds each District must qualify theretofore. The funds are to make up the difference from one-hundred twenty dollars per

elementary school pupil and one-hundred seventy per high school child. This language is found in Section 286.4. The basis and determination of this supplementary aid are explained in Sections 287.5 and 286.6.

Other revenues received for the school system include the district tax provided for in Section 298.1 and a semi-annual apportionment by the County Auditor of the interest from the Permanent School Fund and rents on unsold school lands, which are authorized by Section 298.11.

Section 279.1 permits a transfer from the General Fund into the Schoolhouse Fund, but only when it is a surplus. At the same time if the Schoolhouse Fund has a surplus, it may be transferred to the General Fund, once decided by the electors. This language may be found in 278.1. The Schoolhouse Fund contains that money collected by tax and certified to pay interest or principle on legal debts or for the purchase of school sites. All other moneys received for any other purpose is called the General Fund. This statement is found in Section 291.13.

Another Fund has been entitled the Permanent School Fund. Chapter 302 indicates that the major sources are intestate escheates, penalties, and forfeitures. The interest is allocated annually to the several school districts, according to Section 292.1 for the purchase of library books.

Topic 20 - Private aid

Sec. 565.6 authorizes school corporations, along with counties, towns, and municipalities to accept property received by request or gift. They are also permitted to administer the same.

Topic 21 - Library programs

The county board is responsible for adopting rules and regulations for the establishment and maintenance of county school libraries pursuant to Sec. 273.13(6). The county superintendent is then directed to recommend plans for their establishment and maintenance, Sec. 273.18(14).

Sec. 292.2 provides that the county board shall purchase the books and distribute the books to the different libraries. The books used in the school libraries are listed by the State Board, Sec. 292.4.

After the books are distributed to the districts by the county board, the board of directors have the supervision of all books and are responsible for their equitable distribution, Sec. 292.8.

Public libraries are established by Chapter 378. Their support is to come from either a township or a county tax in Sections 378.14 or 378.15.

In Circular 100(a), "Standards for the Approval of School Districts", supra, provides that each elementary school classroom have certain library-type equipment. Standard 64 provides that each junior high school shall have a central library and Standard 65 states that the minimum number of books shall be 1750. Senior high schools have the same requirements.

State: Iowa

PART IV - continued (10)

Topic 22 - Research programs

Sec. 357.10(8) directs the State Board to adopt a long-range program for the state system of education based upon special studies, surveys, research, and recommendations submitted by or proposed by the State Superintendent.

Sec. 357.10(9) provides that the Board is responsible for constituting a continuing research committee as to public school matters in the State.

Topic 23 - Institutes

Sec. 257.18(20) authorizes the State Superintendent to appoint at least one, and not more than two, county or multiple county educational meetings or institutes each year. The program and lecturers are subject to his approval.

Sec. 273.18(8) empowers the county superintendent to conduct teachers' meetings, institutes, demonstrations, and other professional meetings for the in-service training of teachers, in accordance with the regulations of the Department of Education.

Topic 24 - Other established procedures

The references discussed in Topics 6 and 23 indicate that the State Board, State Superintendent, county superintendent have a wide latitude in conducting meetings at all levels to discuss the use of AV aids, their necessity and economic feasibility.

KANSAS (1959-60)

Enrollment in full-time public schools:	
Elementary	365,565
High School	113,065
Number of school districts (including non-operating)	2,556
Number of elementary schools	2,606
Number of high schools (including junior high)	670
Expenditure per pupil in average daily attendance	$372

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960, OE-20006-60, pp. 6-7, 9, 11.

KANSAS

County and Independent School Superintendencies

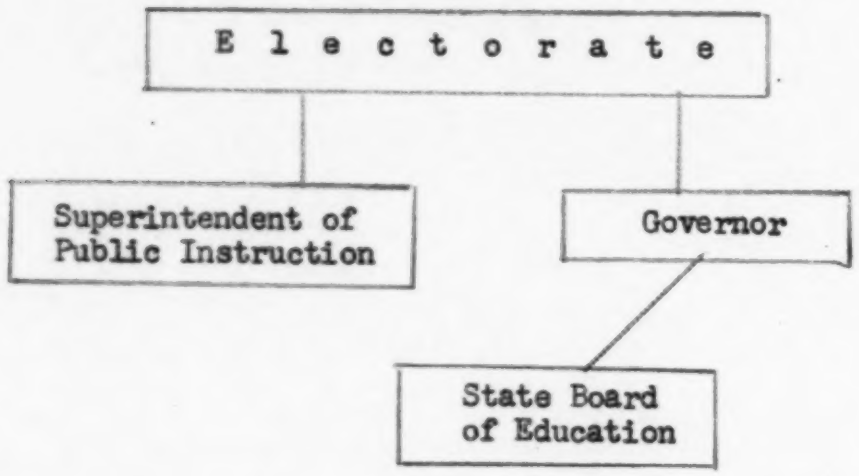
There are 449 school superintendencies in the State: 103 county-intermediate superintendencies, 2 partial county-unit superintendencies, and 344 independent city or town superintendencies. The superintendents of the 103 county superintendencies perform all administrative functions for areas comprised of two or more local districts, each district operating its schools independently.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 80.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 73-75.

K A N S A S

1. State Educational Structure Chart (relating only to elementary & secondary public schools)



2. State Education Boards

a. Schools...

State Board of Education.--Consists of 7 members appointed by the governor for overlapping 3-year terms. Members of the board are selected from among the members of the 2 political parties casting the highest and second highest number of votes respectively for secretary of State at the preceding general election. They are not eligible to serve for more than 2 successive terms. One member of the board is appointed from each congressional district and the remaining member or members are appointed from the State at large. At no time may more than 4 members of the board be from the same political party, and no more than 3 members may reside in territory whose elementary schools (offering instruction in grades 1 through 8) are governed by boards of education of cities of the first or second class. No person engaged in school work as a teacher, principal, or superintendent is eligible to be appointed or serve on the board.

The State department of public instruction is established as a quasi-board consisting of the members of the State board of education and the State superintendent of public instruction. The department is required to hold at least nine regular monthly meetings in each calendar year and such other special meetings as may be necessary to perform its duties. The department may adopt such rules and regulations as are necessary to govern its own procedure.

b. Supplementary programs

Textbook Advisory Committees (administrative).--Each advisory committee--1 for elementary schools, 1 for junior high schools, and 1 for high schools --consists of not less than 5 nor more than 7 members. These committees

are designated by the State board of education, and a majority of the members of these committees are supervisors, principals, superintendents, or teachers in the high and elementary schools or public schools of grades 1 through 12. Two members on each committee are persons not engaged in the teaching profession, and the remainder are so selected as to represent all types of schools in which the books adopted are to be used. Members of these advisory committees hold office for indefinite terms.

3. Chief State School Officer

The State superintendent of public instruction is elected on a partisan ballot for a 2-year term by the qualified electors for a term concurrent with the governor's. To be eligible for the office of State superintendent a person must (a) hold the highest type of Kansas teachers certificate prescribed by statute, (b) be a resident of the State of Kansas during at least the 5 years immediately preceding, (c) be a graduate of an accredited university or college and have at least 20 semester hours of post graduate credit, and (d) have at least 10 years' teaching or administrative experience of which at least 5 years are in the public school system of Kansas and in which he has been active within 2 years prior to the date of filing for such office.

7. Coordination of the State Education System Through Structure

The State superintendent of public instruction and the State board of education are jointly responsible for the coordination of the State program of public elementary and secondary education. The board acts in an advisory capacity to the State superintendent on all matters under his jurisdiction except the exercise of specific powers and duties granted to the State board by the law. ....

9. Fiscal Coordination

Three educational agencies submit budgets to the governor through the State department of administration. These are the State superintendent of public instruction, the State board of education...

The governor may change recommended appropriations if he chooses to do so. He may increase, decrease, or eliminate any item, and hearings may be held at his discretion. The governor prepares a State budget recommendation with the assistance of the State budget director. This budget recommendation is printed and distributed to the members of the State legislature. The governor's budget also includes the budgetary requests of educational agencies as submitted originally for his approval.

State: Kansas

Source of information unless otherwise stated: Kansas School Laws, 1957, issued by the State Superintendent of Public Instruction (latest edition available), as amended by Session Laws, 1959, and Session Laws, 1961.
(Citations are to sections in this source, with corresponding reference to sections in the General Statutes, unless otherwise stated.)

PART I

Educational Organization

State level:

Department of Education: called State Department of Public Instruction Sec. 989 (GS 72-106)

how organized: consists of State Supt. and members of State Board

established by: Sec. 990 (GS 72-107)

is it a body corporate: no, part of Exec. Dept.

State Board of Education: called State Board of Education

established by: Sec. 1006 (GS 72-124)

is it a body corporate: no

composition: 7 members, bi-partisan, ibid.

how selected: appointed by Governor, ibid.

is confirmation necessary: no

subject to what control: —

to whom reporting: St. Supt. reports to Gov., Sec. 1010 (GS 75-3046)

term of office: 3 years, staggered

Chief state school officer: called State Supt. of Public Instruction

office established by: Sec. 992 (GS 1955 Supp. 72-109) and Art. 1, Sec. 1, of Constitution

how selected: elected, ibid.

is confirmation necessary: no

subject to what control: electorate

to whom reporting: Governor, Sec. 1010 (GS 75-3046) and Sec. 1011 (GS 75-3047)

term of office: 2 years, Art. 1, Sec. 1, Constitution

staff and who appoints: Asst. State Supt.

Other organization or official: called Textbook Screening Committee, Sec. 1139

State: Kansas

PART I

Educational Organization (continued)

Intermediate level:

Organizational unit: called County

how organized: by popular vote to discontinue a common school district & community high school district, Sec. 155 (L. 1953, ch. 355, sec. 2, 72-2710)

composition: county

is it a body corporate: not for school purposes. The board is.

Board of education, if any: called County Board of Education

established by: popular vote, Sec. 155 (L. 1953, ch. 355, sec. 2, 72-2710)

is it a body corporate: yes, Sec. 160 (L. 1953, ch. 355, sec. 7, 72-2715)

composition: 5 members, sec. 157 (GS 1955, Supp. 72-2712)

how selected: popular election

is confirmation necessary: no

subject to what control: electorate

to whom reporting:

term of office: 4 years, staggered, Sec. 157 (GS 1955 Supp. 72-2712)

Administrative officer of unit; called County Supt. of Public Instruction

office established by: Art. 6, Sec. 1, Constitution

how selected: popular election, ibid.

is confirmation necessary: no

subject to what control: --

to whom reporting: State Superintendent of Public Instruction, Sec. 174 (GS 1955 Supp. 72-229)

term of office: 2 years, Art. 6, Sec. 1, Constitution

staff and who appoints:

State: Kansas

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called City School District

how organized: varying by city

composition: city and any adjoining territory

is it a body corporate: no. The board is.

Board of education: called Board of Education

established by: Sec. 2 (GS 1951 Supp. 72-1612)

is it a body corporate: yes, Sec. 2 (GS 1951 Supp. 72-1612)

composition: (1) 6 members, ibid.
(2) 12 members in cities of 175,000 inhabitants or more, ibid.

how selected: elected at large, ibid.

is confirmation necessary: no

subject to what control: electorate

to whom reporting:

term of office: 4 years staggered, Sec. 2 (GS 1951 Supp. 72-1612)

Administrative officer of unit: called Superintendent of Schools

office established by: L. 1959, ch. 281, Sec. 1, Supp. 72-1618

how selected: appointed by Board, ibid.

is confirmation necessary: no

subject to what control: Board, ibid.

to whom reporting:

term of office: 1 or 2 years, as determined by Board, L. 1959, ch. 281, sec. 1. Supp. 72-1618.

staff and who appoints: as determined and appointed by City Board.

State: Kansas

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Common School District or Joint Common School District

how organized:

composition: all school districts except those for community high school, rural high school, and schools in cities of 1st or 2d class, Sec. 64 (GS 72-302a)

is it a body corporate: yes, Sec. 63 (GS 1951 Supp. 72-302)

Board of education: called School board

established by: Sec. 95 (GS 72-1001)

is it a body corporate: the district is the corporation. the board is its "governing board", ibid.

composition: (a) 3 or 5 members (director, clerk, and treasurer) ibid. (b) 7 members (including these 3 officers) in counties with county unit system, Sec. 96 (GS 72-1001a)

how selected: election at annual meeting of common school district, Sec. 95 (GS 72-1001)

is confirmation necessary: No

subject to what control: electorate

to whom reporting:

term of office: (a) and (b) 3 years, ibid.

Administrative officer of unit: called (a) Director, (b) same, Sec. 96 supra

office established by: Sec. 95, supra; Sec. 96, "

how selected: (a) elected at annual meeting or by fellow board members (Sec. 95 supra) (b) same, Sec. 96 supra

is confirmation necessary: no

subject to what control: electorate

to whom reporting: (a) and (b) county superintendent, Sec. 12 (GS 1955 Supp. 72-1028)

term of office: (a) and (b) 3 years, Sec. 95 (GS 72-1001)

staff and who appoints: (a) and (b) clerk and treasurer, elected in same way as director

State: Kansas

PART I

Local level or independent (continued)

A superintendent has been provided for by legislation relating to certain common school districts and others, as follows:

> Section 1. Section 72-1027 of the General Statutes of 1959 is hereby amended to read as follows: Sec. 72-1027. The school board of any common-school district or rural high-school district employing four (4) or more teachers and the board of directors of any community high-school district may designate a principal or elect a superintendent who shall not be a member of said board, for a term of two (2) years, such term to begin on the first Monday of August. Said superintendent or principal shall have charge and control of the public schools of said district subject to the rules and orders of the board, and shall be the holder of a certificate which is valid in the state of Kansas: Provided, That no contract shall be entered into prior to February 1, for a term beginning the following August.
>
> Sec. 2. Section 72-1027 of the General Statutes of 1949 is hereby repealed.
>
> Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.
>
> Approved April 13, 1961.

Session Laws, 1961, Chapter 321.

State: Kansas

PART I

Educational Organization (continued)

Schools

Principals

appointed by: school board, GS 72-1027, as amended, L. 1961, ch. 321. similar authority for other local boards

qualifications: established by rules of Supt. of Public Instruction subject to approval of State Bd. of Education, Sec. 1133 (GS 72-1388)

term of office: 2 years, GS 72-1027 as amended L. 1961, ch. 321. For some purposes continuous during good behavior, Sec. 152 (GS 1955 Supp. 72-5411)

Teachers

appointed by: school board of common school district, Sec. 112 (GS 1955 Supp. 72-1028). Similar powers in other local boards

qualifications: established by rules, as above.

certification: Sec. 1133 (GS 72-1388)

tenure: for some purposes continuous during good behavior, Sec. 152 (GS 1955 Supp. 72-5411)

special assignments: —

State: Kansas

Source of information unless otherwise stated: Kansas School Laws, 1957, issued by the State Superintendent of Public Instruction (latest edition available), as amended by Session Laws, 1959, and Session Laws, 1961. (Citations are to sections in this source, with corresponding reference to sections in the General Statutes, unless otherwise stated).

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

State Superintendent of Public Instruction

In Kansas the State Superintendent of Public Instruction, as a member of the executive department and elected to office every two years pursuant to Article I, Section 1 of the Constitution, charged with the general supervision of the common school funds and educational interests of the State pursuant to Article VI, Section 1 of the Constitution, is a strong figure. He has a stronger position of leadership and relatively greater powers than his counterparts in other States who are appointed to office by a State Board of Education or by a Governor. Under Section 1007 of the Kansas School Laws of 1957 (GS 72-125), the State Board of Education exercises a policy function with respect to certain matters described. But this section concludes with a statement that except in matters involving specific powers and duties granted to the State Board, that body "shall act in an advisory capacity to the State Superintendent on all matters under his jurisdiction". The strong position of the State Superintendent is further emphasized by provisions of Section 990 (GS 72-107), which declares that "the State Department of Education shall consist of the State Superintendent and the members of the State Board.

Section 992 (GS 1955 Supp. 72-109) describes his general powers and duties, "but not by way of limitation", as follows:

1. To be the chief executive officer of and have general supervision over State educational activities, except State educational institutions.

2. Exercise the powers and perform the duties relating to schools in the manner as prescribed by law.

3. Present to the State Board for its approval or rejection (a) standards for a school library and textbooks, courses of study and curriculum; (b) encyclopedias, maps and other educational materials other than textbooks and workbooks; (c) plans, methods, rules and regulations governing the certification of teachers, supervisors and administrative officers.

State: Kansas

PART II - continued (2)

4. Be primarily charged with (a) the certification of teachers, supervisors and administrative officers; (b) the administration of the laws concerning standards, courses of study and curriculum, school libraries and textbooks, and the rules and regulations adopted by the Board relating thereto; (c) prepare and issue guides or syllabi for the use of teachers in the appropriate grades and in such subjects as he may deem necessary; and (d) the appointment of supervisors, assistances and employees within his office.

He is authorized to appoint an assistant State superintendent of public instruction, Section 995 (GS 72-112); a private secretary, Section 996 (GS 72-113); and, in accordance with Kansas civil service laws, such assistants, supervisors and other employees as may be necessary and provided for within available appropriations. Such a staff seems more personal to him than that provided for his counterpart in some other States.

Under Section 998 (GS 1955 Supp. 72-115) other duties are imposed upon him, subject to the approval by the State Board of plans and methods formulated and recommended by him. These include:

1. Prescribe courses of study and curriculum in the appropriate grades for all public schools up to and including junior colleges, for basic studies listed and such other subjects as may be recommended by him and approved by the State Board.

2. Revise courses of study and curriculum when in his judgement revision is desirable.

3. Make rules and regulations relating to the observance of prescribed courses of study and curriculum and file them with the revisor of statutes, as prescribed by law.

4. Define official standards of excellence in all matters relating to the administration, courses of study, and instruction in the public schools, Also he may grant to accredited schools appropriate certificates or other evidence of approval.

He has a number of other duties, such as: supplying written opinions on school laws, after consultation with the State Attorney General as necessary, Section 1001 (GS 72-119); publishing school laws, forms, rules, regulations and distributing them, Section 1002 (GS 72-120); making a comprehensive printed biennial report, Section 1010 (GS 75-3046), and interim typewritten report, Section 1011 (GS 75-3047), to the Governor for presentation to the Legislature and other organizations; approving lists of books for purchase for school libraries, Section 605 (GS 72-1501); appointing, with approval of the State Board of Education, the 15 members composing the State Textbook Screening Committee, Section 1139 (L. 1957, ch.373, sec. 1), calling annual meetings of this Screening Committee, and publishing and distributing to all school districts in the State the lists of textbooks and workbooks selected as being appropriate for use in the schools.

State: Kansas

PART II - continued (3)

State Board of Education

Powers and duties are very briefly stated as follows in Section 1007 (GS 72-125): "It shall be the duty and responsibility of the state board to approve or reject:

(1) School textbooks recommended for adoption and shall give careful consideration to the plans, methods, schedules, rules and regulations presented by the state superintendent as in this act provided;

(2) Plans, methods, rules and regulations formulated and recommended by the state superintendent covering the issuance, renewal, revival and registration of certificates for teachers, supervisors and administrative officers;

(3) Plans, methods, rules and regulations formulated and recommended by the state superintendent for courses of study, curriculum and standards.

In general, the state board shall act in an advisory capacity to the state superintendent on all matters under his jurisdiction except as to the exercise of specific powers and duties granted to the state board as prescribed in this act or as may be hereafter prescribed by law."

State Department of Education

The duties of the State Department of Education are to hold at least nine regular monthly meetings a year and such special meetings as may be necessary, and to adopt rules and regulations necessary to govern its own procedure, Section 991 (GS 72-108).

State Textbook Screening Committee

The duty of this Committee, pursuant to Section 1140 (L. 1957, ch. 373, sec. 2) is to:

> "(a) Examine all textbooks and workbooks offered for sale in Kansas in the various subject matter fields, including kindergarten and grades one to twelve, inclusive, and (b) submit annually to the state superintendent of public instruction a list of those textbooks and workbooks which, in the opinion of such committee, are suitable for the various subject matter fields, including kindergarten and grades one to twelve, inclusive, of the public schools of Kansas."

County Superintendent of Public Instruction

In Kansas, at a point midway between the State Superintendent of Public Instruction and the operating school districts, there is a County Superintendent of Public Instruction for each county. His office is established by Article VI, Section 1 of the Constitution. He has "jurisdiction and general supervision of all the schools in the county except those under the jurisdiction of boards of education in cities of the first and second classes, Section 174 (GS 1955 Supp. 72-229).

State: Kansas

PART II - continued (4)

This section gives him authority to require reports from teachers, principals, and superintendents of schools and other school officials under his supervision and, in addition to other duties which may be prescribed by law, lists some specific duties as follows:

1. Visit the schools under his jurisdiction at least once each year and advise school officials on matters relating to administration, methods of instruction, and other subjects.

2. See that the school laws are observed, approved courses of study are followed, approved textbooks are used, and all rules, requirements, and standards of higher authority are observed and maintained.

3. Keep a record of his official acts.

4. Keep a record of all State and county school funds for his district.

5. Keep a complete personnel file and all teachers in his jurisdiction.

10. Make an annual report to the state superintendent of public instruction.

Other subsections relate to administrative responsibilities.

Under Section 175 (GS 1955 Supp. 72-230) he is required to hold annually one or more conventions of members of school district boards for the purpose of consultation and instruction.on school matters of his county.

Under Section 176 (GS 1955 Supp. 72-231) he is required to apportion State school funds received, together with the unapportioned county school funds on hand, among the school districts and parts of districts of the county on a per capita ratio of pupils in the districts.

The compensation, size and nature of staff, and details of administrative duties of county superintendents vary in different counties according to population, but they are essentially the same.

County Board of Education

This organization might appear to be at the intermediate level, but it is not. Sections 154-169, which comprise Chapter VII dealing with this subject, apply only to a county in which there is only one common school district and in which there is no high school except a community high school, Section 154 (L. 1953, ch. 355, sec. 1, 72-2709). It is essentially at the operating level, and although not specifically so described it is evidently the organization used for those counties in which there is a county unit system. It is created following a special meeting to vote on a proposition to disorganize a common school district and the community high school district and to establish

in their place a county board of education. Upon affirmative vote, members of the board are elected, Sections 155-157.

Such a county board of education constitutes a body corporate with the usual powers of a corporation for public purposes, Section 160 (L. 1953, ch. 355, sec. 7, 72-2715). Under Section 165 (L. 1953, ch. 355, sec. 12, 72-2720), the board "shall establish and maintain a system of free public schools for all children residing in the county and may make all necessary rules and regulations for the government and conduct of such schools, consistent with the laws of the State." Various other general duties and powers are described.

Under Section 167 (L. 1953, ch. 355, sec. 14, 72-2722), the board may issue bonds to raise funds for building schoolhouses and for other purposes, and under Section 168 (L. 1953, ch. 355, sec. 15, 72-2723) it may levy taxes. Under Section 169 (L. 1953, ch. 355, sec. 16, 72-2724) the board is invested with powers like those of the board of education of a city of the first class.

Local Level - Boards of Education in Cities of the First and Second Classes

This is the first subject dealt with in Kansas School Laws, 1957 (Chapter I, comprising articles 1-42 with their corresponding references to general statutes). Article 1,(sections 1-25) of Chapter I relates to cities of both the first and second classes. The remainder of the Chapter relates to cities only of the first class. A number of these statutes relate to procedural requirements in changing the territorial limit of a city school district with corresponding adjustment of outstanding obligations and duties of officials involved. There is some legislation applying to all city school districts and to their board of education.

Section 2 (GS 1951 Supp. 72-1612) provides that the public schools of each city school district shall be governed by a board of education, and shall constitute a body corporate and politic possessing the usual powers of a corporation for public purposes. General powers and duties are set forth in Section 13 (GS 1955 Supp. 72-1623), which states that the board shall establish and maintain a system of free public schools for all children residing in the city school district and may make all necessary rules and regulations for the government and conduct of such schools, consistent with State law. It provides also that in those cities of a population from 120,000 to 200,000, the board may establish and maintain a public library and branch libraries, meeting expenditures therefor in the same manner as expenditures for schools. In any city the board holds title to and has care of all school buildings and other school properties belonging to the city school district.

Pursuant to Section 14 (GS 1951 Supp. 72-1624) contracts involving the expenditure of more than $500 must be in writing and those involving and expenditure of more than $1000 for erecting or improving a school building shall be made only after sealed bids and shall be awarded only to the lowest responsible bidder.

State: Kansas

PART II - continued (6)

Session Laws 1959, ch. 281, amending GS 1957 Supp. 72-1618, corresponding to Section 8 of Kansas School Laws of 1957, authorizes a city board to elect officers including a clerk and a treasurer. It also provides that at such time as it may deem expedient it shall elect a qualified superintendent of schools, who shall not be a member of the board, for a term of one or two years. The superintendent shall have charge and control of the public schools of the city school district subject to the orders, rules and regulations of the board and shall receive compensation at a rate determined by the board.

Session Laws 1961, ch. 447, amends GS 1959 Supp. 79-1954f continuing the authorization of the board of education in cities of the first class to levy taxes at the increased rate established in 1959 and making the provisions applicable to cities of 126,000 or more. Section 1063 (GS 1949, 79-1955) appearing in Kansas School Laws 1957, authorizes the board of education in cities of the second class to levy taxes for school purposes but establishes a lower table of limitations.

Section 332 of School Laws 1957 (GS 1955 Supp. 72-1626) authorizes the board of education of cities of the first and second classes to issue bonds for building or equiping schools or for buildihg or equipping libraries, following a vote on the proposition by electors of the school district or a substitute procedure approved by the state superintendent of public instruction. Other sections of the school laws relate to limitation or to procedures, but this is a basic power in the board of education.

Local Level - Common-School Districts

Section 124 (GS 72-1044) authorizes every common school district to establish and maintain public schools at the kindergarten, elementary, junior high school and high school levels, subject to such limitations as may be prescribed by law.

Session Laws 1961, ch. 321 amends provisions found in Section 111 of the School Laws of 1957 and reads as follows:

> "Section 1. Section 72-1027 of the General Statutes of 1949 is hereby amended to read as follows: Sec. 72-1027. The school board of any common-school district or rural high-school district employing four (4) or more teachers and the board of directors of any community high-school district may designate a principal or elect a superintendent who shall not be a member of said board for a term of two (2) years, such term to begin on the first Monday of August. Said superintendent or principal shall have charge and control of the public schools of said district subject to the rules and orders of the board, and shall be the holder of a certificate which is valid in the State of Kansas: Provided, That no contract shall be entered into prior to February 1, for a term beginning the following August.

State: Kansas

PART II - continued (7)

"Sec. 2. Section 72-1027 of the General Statutes of 1949 is hereby repealed.

"Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

"Approved April 13, 1961."

Section 112 of the School Laws of 1957 (GS 1955 Supp. 72-1028) describes in general terms the duties of the school board of each common school district. It shall maintain the schoolhouse in good condition; shall contract with and hire qualified teachers for the district, and dismiss teachers for cause. It shall provide "such maps, charts, teaching equipment, and other instructional material, recreational and playground equipment necessary to the successful operation of the school." The school board shall exercise a general management over the affairs of the district, authorize in advance all obligations incurred in the name of the district, and shall report promptly to the county superintendent all matters that in their judgment should have his attention as the supervisory officer of the school. Pursuant to Section 119 (GS 72-1033) the school boards shall have control of the school district property including all school buildings and "all furniture, fittings, and equipment, such as books, maps, charts, and instructional apparatus". It may also make such rules and regulations relating to the district library as may be necessary and appoint a librarian. Pursuant to Section 123 (GS 72-1040) the school board is granted full authority and power to receive and operate any trust or fund or gift for the school.

Pursuant to Section 63 (GS 1951 Supp. 72-302) every common school district shall be a body corporate possessing the usual powers of a corporation for public purposes with capacity to sue and be sued, execute contracts and hold real and personal property acquired by it.

Local Level - Community High Schools

Pursuant to Section 135 (GS 1955 Supp. 72-2526) each community high school district shall be governed by a board of trustees and shall constitute a body corporate and politic possessing all the usual powers of a corporation for public purposes. The community high school district includes all the territory of the county in which it is situated except that within a district maintaining an accredited school.

Section 144 (GS 1955 Supp. 72-2535) describes the powers and duties of the board of trustees.

1. To establish and maintain a high school or high schools and make all necessary rules and regulations for the government and conduct of such schools.

State: Kansas

PART II - continued (8)

2. To have the care and keeping of all school buildings and other property of the community high school district (but this would not include the property of a common school district located within its territory and operating for other purposes).

3. To employ such teachers, principals and such supervisory, administrative and other employees as are required for the proper conduct of the schools.

4. To issue bonds as authorized by law.

5. To prepare and adopt budgets and levy taxes for school purposes within the limitations established.....

7. To make reports to the State superintendent of public instruction and the county superintendent as required.....

Local Level - Rural High Schools

Under Section 889 (GS 1955 Supp. 72-3537) each rural high school district is a body corporate and politic possessing the usual powers of a corporation for public purposes. It is under the jurisdiction and control of the county superintendent of the county in which the main school building is located. Various other sections provide for financing the schools, changing districts and adjusting obligations and tax levies.

Under Section 897 (GS 1955 Supp. 72-3545) it appears that in general the powers of rural high school districts, the powers, duties, membership and terms of rural high school district boards, the powers and duties of county superintendents and county officers and of the State superintendent of public instruction with respect to rural high school districts are the same as provided by law in the case of common school districts.

Session Laws 1959, chapters 291, 292, 293, and 307, and Session Laws 1961, chapters 332, 333, 334, 356, and 450 relate to rural high school districts and make minor changes in previous laws with reference to consolidation of districts, transfer of property, election and term of high school district boards, restrictions on increasing a tax levy and the limit of a tax levy. There is no essential change, however, in powers and duties of such districts and their boards.

Section 344 (GS 1955 Supp. 72-2017), as amended first by Session Laws 1959, chapter 287, and later by Session Laws 1961, chapter 327, authorizes the board of any common school district, community high school district, or rural high school district to issue bonds of the district for purchasing or improving sites, constructing, furnishing, equipping, or remodeling school houses or other necessary buildings. The necessary procedures for this purpose are described in other sections.

State: Kansas

Source of information unless otherwise stated: Kansas School Laws, 1957, issued by the State Superintendent of Public Instruction (latest edition available), as amended by Session Laws, 1959, and Session Laws, 1961. (Citations are to sections in this source, with corresponding reference to sections in the General Statutes, unless otherwise stated.)

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

Sec. 992 (GS 1955 Supp. 72-109) reads in part as follows:

> "In general, but not by way of limitation, and subject to the limitations and restrictions of this act and in harmony with other applicable statutory provisions, the state superintendent shall:
>
> ...(3) Present to the state board for its approval or rejection.....(b) encyclopedias, maps and educational material other than textbooks and workbooks..."

Sec. 112 (GS 1955 Supp. 72-1028) enumerates various duties of the school board of a common-school district. It contains the following language:

> ".....The school board shall provide such maps, charts, teaching equipment, and other instructional material, recreational and playground material necessary to the successful operation of the school....."

Sec. 119 (GS 72-1033) reads in part as follows:

> "The school board shall have control of the school-district property, including.....all furniture, fittings, and equipment, such as books, maps, charts, and instructional apparatus....."

Standards for Accrediting Kansas Elementary Schools, 1960, Bulletin 301, recommended by the State Superintendent of Public Instruction (under authority of Sec. 992 (3), G.S. 1955 Supp. 72-109) and issued by him upon approval by the State Board of Education (under authority of Sec. 1007 (3), G.S. 72-125) outlines the "standards and basic philosophy for accreditation of elementary schools in Kansas". By reason of its source, this is legal authority for the internal operation of the educational hierarchy. The following statements appear:

State: Kansas

PART III - continued (2)

pp. 7-8. "Standard II. School Board.
.....B. The board shall provide maps, charts, teaching equipment, recreational playground equipment and other instructional materials necessary to the successful operation of the school.

"1. It is essential in the operation of a comprehensive elementary school that instructional material, supplies, and equipment be available when needed. The school board, or board of education, should rely on the administrator of the school to determine the need for these materials. In schools where there is no designated administrator, the board should rely on the teacher or teachers....."

pp. 11-12. "Standard VII. Library.

"A. Each elementary school shall have a school library with a well-balanced collection of books, basic reference material, and periodicals appropriate to the objectives of the school and needs of the pupil.....

"B. For library maintenance and in addition to any amounts used for establishing the basic library, a minimum of $2.50 a year should be spent for each child up to 100 enrollment, $2 each for the next 100 pupils, and $1 a pupil beyond 200.....These expenditures should be carefully distributed to provide for new books, magazine and newspaper subscriptions, pamphlets, pictures and filmstrips, recordings, library supplies, and catalog cards, but should not include encyclopedias, textbooks, and audio-visual equipment.
.....8. Audio-visual materials may be administered and circulated through the central library in the same manner as books....."

A similar publication, Kansas Secondary School Handbook, 1961, issued in the same way, under the same authority, and with similar significance, contains the following statements:

pp. 13-14. "In the junior high school the library contains books and other carefully selected reading material, and in addition, such other learning aids as recordings and visual materials. The library should be arranged so as to encourage the use of these materials on both an individual and group basis."

p. 25. "A library shall be organized as a resource center of instructional material for the entire educational program. The number and kind of library and reference books, periodicals, newspapers, pamphlets, information files, audio-visual materials, and other learning aids shall be adequate for the number of pupils and the needs of instruction in all courses."

State: Kansas

Source of information unless otherwise stated: Kansas School Laws, 1957, as amended by Session Laws, 1959 and 1961.

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject.
Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or
No

Yes 2. Planning the use of AV aids

119, 144 (2), 165

Yes 3. Preparing curricula

128, 174(2), 901, 992(3), 992(4), 998, 1007(3)

No 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

No 5. Organizing AV units and cooperative activities

No 6. Conferring on AV use outside of State educational structure

State: Kansas

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)

119 (See category 2)

Yes 8. Selecting textbooks (and observing academic freedom)

174(2), 992(3), 992(4), 1007(1), 1139, 1140

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

112, 992(3), 1151,447

Yes 10. Financing acquisition by rent or purchase

332,333,336, Chapter 373 of the 1961 Session Laws

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel

Same as category 2.

No 12. Distributing AV aids

No 13. Producing AV aids

Yes 14. Certificating teachers and AV professionals

174(5), 992(3), 992(4), 1007(2), 1128, 1130, 1133

No 15. Prescribing qualifications of using personnel

State: Kansas

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

1007(3), 998, 1128

Yes 17. Building or remodeling schools to facilitate AV use

511

Yes 18. Federal aid to schools

250,251, 254, 655

Yes 19. State aid to schools

Article 6-section 1, Article 6-section 3, 176, 363, 436, 437, 440, 448, 453, 458, 463, 470, 471, 924, 933, Chapter 306 of the 1959 Session Laws.

No 20. Private aid to schools

Yes 21. Library programs

13. 605, 607, 614, 625, 650, 992(3) and (4)

No 22. Research programs

Yes 23. Institutes

175, 1137

No 24. Other established procedures

State: Kansas

Source of information unless otherwise states: Kansas School Laws, 1957, as amended by Session Laws, 1959 and 1961

PART IV (Cont.)

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

Topic 2:

Section 119 confers control of the school-district property upon the school board of a common-school district. This property includes all buildings, furniture, equipment, such as books, maps, charts, and instructional apparatus. Among the powers and duties of the board of trustees of community high schools, which are listed in section 144, is the care and keeping of school buildings and property. In the case of the County Board of Education, section 165 gives the care and keeping of the school property.

Topic 3:

Section 128 refers to subjects which are to be taught in the elementary schools of all common-school districts. Those required subjects are listed. The State Superintendent is then given the authority to determine others. The County Superintendent is to see that the courses of study approved by the State Board of Education are followed, according to section 174(2). Rural high schools are directed by section 901 to follow the high school course of study prescribed by the State Superintendent. The State Superintendent's power over curriculum standards is conferred by section 992 (3) and (4). The State Board is then required by section 1007(3) to approve the plans recommended by the State Superintendent, for courses of study and curriculum.

Topic 8:

Section 174 (2) directs the County Superintendent to supervise and see that the textbooks approved by the State Board are used. The State Superintendent is charged with administering the law concerning school libraries and textbooks by section 992(4). It is his duty to present to the State Board for its approval, standards for school libraries and textbooks, as well as encyclopedias, maps and other educational materials. This is found in section 992(3). The State Board's authority to approve is conferred by section 1007(1). Section 1139 creates a Textbook Screening Committee. According to section 1140, the Committee is supposed to examine all textbooks offered for sale and submit a list of suitable books to the State Superintendent. This list is distributed subject to the approval of the State Board.

State: Kansas

PART IV (Cont.)

Topic 9:

Among the duties of the school board of a common-school district found in section 112, is the responsibility for providing maps, charts, teaching equipment, and other instructional material. Section 992(3) directs the State Superintendent to submit for the approval of the State Board encyclopedias, maps and other educational materials other than textbooks and workbooks. Section 1151 is concerned with a revolving fund for the purchase of schoolbooks, in cities of the first and second class.

Topic 10:

Section 332 permits any board to issue bonds upon the approval of the electors for improving a school site, to construct, equip, furnish, repair, remodel or make additions to any building. This section refers to cities of first and second classes. Section 333 confers a similar authority on certain cities of the first class, having a population of 120,000 or more. Section 336 is concerned with cities in the second class with more than 110,000 population. Chapter 373 of the 1961 Session Laws creates a school textbook rental fund, which is distributed from the State Treasury upon the certification of the State Superintendent.

Topic 14:

Section 174(5) directs the County Superintendent to keep a register of all teachers employed under his jurisdiction describing the type of certificate held and its registration. The State Superintendent, pursuant to section 992(3), presents to the State Board methods, rules and regulations for the certification of teachers, supervisors and administrative officers. He is also charged with the certification of those same individuals, according to 999(4). The authority for the State Board's approval of the recommendations put forth by the State Superintendent is found in section 1007(2). Special certificates and examinations are permitted by the State Superintendent in section 1130. His authority for making rules and regulations with respect to certificates, their registration and reneval is found in section 1133.

Topic 16:

Section 1007(3) makes the State Board responsible for approving plans for standards recommended by the State Superintendent. In section 998 (4) the State Superintendent is directed to define official standards of excellence in all matters relating to administration and instruction, and to accredit those schools in which the specified standards are maintained. Section 1128 makes any institution on the accredited list subject to the State Superintendent's examination.

State: Kansas

Part IV (Cont.)

Topic 17:

Section 511 requires that the construction of all school buildings comply with the 1955 building code of the national board of fire underwriters, electrical wiring with the 1956 code of the national fire protection association, and minimum plumbing of the 1955 plumbing code of the American society of mechanical engineers. No contract is permitted until the plans have been submitted to the State architect for approval.

Topic 18:

Section 250 empowers the governing body of any district to file an application for federal funds made available for school purposes by federal law. These same agencies are also authorized to receive funds from the federal government and expend the same for any and all school purposes in accordance with the law. The State Department of Public Instruction is designated the State education agency for receipt of federal funds, should such an agency be required by federal law, according to section 251. Section 254 declares the state policy of continuing to operate with the federal government in surveying school facilities. The Kansas traveling library commission is authorized by section 555 to enter all contracts necessary to cooperate with the federal government and perform any act required of a state library administrative agency, when it is a condition precedent to obtaining for Kansas the benefits of federal legislation. This section also empowers the State Treasurer to receive and disburse moneys appropriated to the State in accordance with any federal legislation.

Topic 19:

Article 6-section 6 creates the State Permanent School Fund. The State Superintendent is given general supervision of the common-school funds of Kansas by Article 6-section 1. Within 5 days after receiving the certificate of the State Superintendent informing him of the amount of the State School Fund apportioned to his county, the County Superintendent shall apportion the same among the school districts. This language is found in section 176. Section 383 discusses those funds which are apportioned according to the county budget. The State Annual School Fund, according to section 436, consists of the annual income derived from the interests and rents of the perpetual fund. The State Treasurer is authorized to receive all the annual income of the state appropriated for the annual supppt of schools, pursuant to section 437. He is then directed by section 440 to pay it to each county upon application. Section 448 is concerned with the distribution of the fund by the county treasurer. Section 453 creates the State High School Finance Fund. Its distribution is carried out pursuant to the procedure outlined in section 458. Section 463

State: Kansas

PART IV (Cont.)

Topic 19: (cont.)

discusses a special high-school equalization fund. Section 470 creates the State School Finance Fund. It is disbursed according to the computation in section 471. The State Superintendent, Secretary of State and Attorney General constitute a Board of Commissioners for the management and investment of the Permanent School Fund among others. This is the import of section 924. All moneys belonging to the State Permanent School Fund is to be paid to the State Treasurer, subject to the board of schoolfund commissioners, according to section 933. Chapter 306 of the 1959 Session Laws creates a School Emergency Finance Fund and provides for its distribution.

Topic 21:

Section 13 conditions the establishment of a public school system within a district upon the maintenance of a public library in a city with over 120,000 but less than 200,000. Section 605 provides that each district board shall spend no less than five dollars to purchase library books. City, County, Township, and Regional libraries are authorized by section 607. Among the duties given library boards by section 614 are the adopting of rules and regulations, acquire by purchase, gift or exchange, books, magazines, slides, pictures, films, projection equipment, phonograph records and other material and equipment deemed necessary by the board. There is a State library created by section 625 managed by the justices of the supreme court. Section 650 empowers the directors of the State library to appoint the Kansas Traveling Library Commission. Sections 992(3) and (4) have already been discussed in Part II and other topics in this Part.

Topic 23:

Section 175 directs the County Superintendents to hold annual conventions for the purpose of consultation and instruction on school matters in the county. Each district board may designate one or more of its members to attend. Section 1137 is concerned with county institutes for instructing elementary teachers. These are to be held annually if the county superintendent deems it both feasible and desirable. All teachers under contract will be required to attend. The County Superintendent has the control, direction and management of the institute with the advice of the State Superintendent. These institutes are to last no less than two and no more than five days.

KENTUCKY (1959-60)

Enrollment in full-time public schools:	
Elementary	496,063
High School	135,349
Number of school districts (including non-operating)	212
Number of elementary schools	2,743
Number of high schools (including junior high)	434
Expenditure per pupil in average daily attendance	$231

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960, OE-20006-60, pp. 6-7, 9, 11.

KENTUCKY

County and Independent School Superintendencies

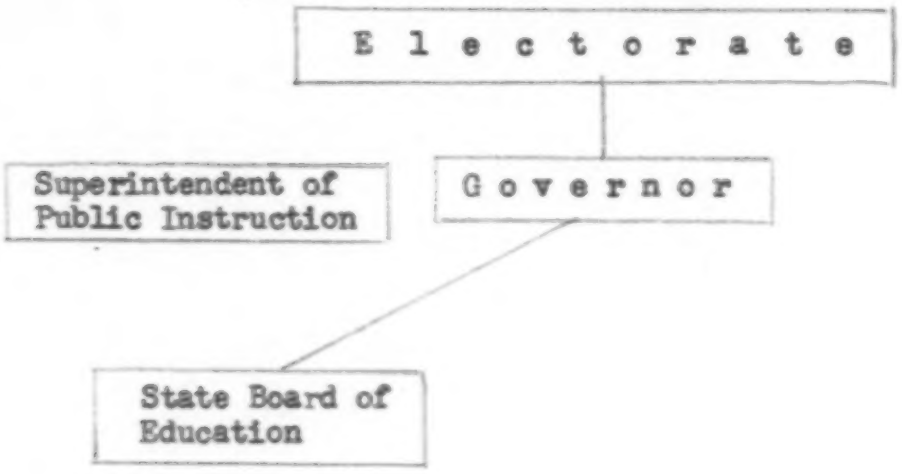
There are 212 school superintendencies in the State, including 56 complete county-unit and 64 partial county-unit superintendencies. The remaining 92 are independent city or town superintendencies located within the 64 partial county-unit counties.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 85.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 75-79.

K E N T U C K Y

1. State Educational Structure Chart (relating only to elementary & secondary public schools)



2. State Education Boards

a. Schools....

State Board of Education.--Consists of 8 members, the superintendent of public instruction ex officio and 7 lay persons appointed by the governor for overlapping 4-year terms. The superintendent of public instruction is chairman of the board. Members of this board must have the same qualifications as other school board members except that for the State board of education the member must be at least 30 years of age. (The law states that no person is eligible to membership on any board of education (1) unless he has attained the age of 24 years; (2) unless he has been a citizen of Kentucky for at least 3 years; (3) unless he has completed at least the eighth grade in the common schools or has the equivalent of an eighth grade education as determined by an examination held under rules and regulations adopted by the State board of education; (4) if he holds or discharges the duties of any civil or political office, deputyship, or agency under the city or county of his residence; (5) if, at the time of his election, he is directly or indirectly interested in the sale to the board of books, stationery, or any other property, materials, supplies, equipment or services for which school funds are expended for cause; or (6) if he has been removed from membership on a board of education for cause. Furthermore, if after his election a member of a board becomes interested in any contract with or claims against said board of the kind mentioned in (5) above, or if he becomes a candidate for any office or agency that would render him ineligible to membership before election, or if he moves his residence from the district for which he was chosen, of if he does anything which would render him ineligible for reelection, his office becomes vacant without further action. A board member is eligible for reelection unless he becomes disqualified.)

b. Supplementary programs

State Textbook Commission (administrative).--Composed of 9 members, the superintendent of public instruction ex officio and 8 persons appointed by the State board of education upon recommendation of the superintendent of public instruction. The appointive members hold office for 4-year terms, 2 being chosen each year. The appointive members must have not less than 5 years teaching or supervising experience in the public schools of Kentucky and must have, at the time of the appointment, at least 4 years of college training in a recognized institution of higher education. Five members are actively employed in the public schools of Kentucky as teachers in a subject field or fields for which the commission selects books. Two members are principals, supervisors, or superintendents of public schools or public school systems, and 1 is a member of the faculty of a public institution of higher education engaged in teacher education. In selecting members, the superintendent of public instruction gives due regard to representation from rural and urban areas on both elementary and secondary levels. The State Textbook Commission selects textbooks to be used in Kentucky subject to minimum manufacturing standards and specifications prepared by the superintendent of public instruction and under pertinent rules and regulations established by the State board of education.

3. Chief State School Officer

The superintendent of public instruction is a constitutional officer in the executive branch of the State government. He is elected by the qualified voters of the State on a partisan ballot and holds office for a 4-year term concurrent with the governor's term. The superintendent is ineligible to re-election for the 4 years succeeding the expiration of the term for which he is elected. To qualify for the office of superintendent of public instruction a person must be at least 30 years old at the time of his election and must have been a resident citizen of Kentucky for at least 2 years preceding his election.

7. Coordination of the State Education System Through Structure

The State board of education and the State superintendent of public instruction are jointly responsible for the coordination of the State program of public elementary and secondary education.

8. Coordination of the State Education System Through Ex Officio Memberships

The superintendent of public instruction is an ex officio member of (a) the State board of education...

9. Fiscal Coordination

Two educational agencies submit budgets to the department of finance, the State board of education (budgets for State department of education including those for the 3 State-operated area vocational schools...

The department of finance is responsible for the continuous process of preparation and revision of budgets submitted to it by educational agencies in light of its direct studies of the operations, plans, and needs of these agencies and of the existing and prospective sources of income. The department of finance makes inquiries and investigations and revises such budgets as it believes necessary, after which it incorporates them into the tentative budget report certified to the governor. The governor may make further inquiries and investigations and revise the tentative budget as he sees fit. The budget report, as approved by the governor, is printed and copies are transmitted to the house of representatives for the regular session of the general assembly.

The department of finance is administered by the commissioner of finance, who is appointed by the governor. The division of the budget in the department of finance is concerned primarily with budgetary affairs of the State and is headed by a director of the budget. The commissioner of finance may, subject to the approval of the governor, serve as director of the budget or appoint someone else to this position.

State: Kentucky

Source of information unless otherwise stated: Kentucky Revised Statutes, 1960, Vol. II, Title XIII, Education (compiled by Legislative Research Commission) (Legislative Research Com. advises that there have been no changes since April 1960.)

PART I

Educational Organization

State level:

Department of Education: called Department of Education

how organized: consists of State Board of Education and Superintendent of Public Instruction

established by: Sec. 156.010

is it a body corporate: No

State Board of Education: called State Board of Education

established by: Sec. 156.010

is it a body corporate: Yes. "Kentucky State Board of Education" Sec. 156.030

composition: 7 lay members and Supt. of Public Instruction as chairman

how selected: lay members appointed by governor

is confirmation necessary: no

subject to what control: not indicated

to whom reporting: Governor and General Assembly, biennially, Sec. 156.250

term of office: lay members 4 years, overlapping

Chief state school officer: called Supt. of Public Instruction

office established by: Sec. 156.010

how selected: General election, Sec. 91, Constitution of Kentucky

is confirmation necessary: no

subject to what control: electorate

to whom reporting: Governor and General Assembly, Sec. 156.250

term of office: 4 years, Sec. 91, Constitution of Kentucky

staff and who appoints: Asst. Supt. of Public Instruction appointed, and divisions in Dept. established by board on recommendation of Supt. Sec. 156.020

Other organization or official: called State Textbook Commission

State: Kentucky

PART I - continued (2)

State Level (continued):

Other organization: State Textbook Commission

Office established by Sec. 156.010 and 156.405

Is it a body corporate: No. Part of Dept. of Education, Sec. 156.010

Composition: Supt. of Public Instruction and 8 appointive members, Sec. 156.405

How selected: appointed by State Board of Education upon recommendation of Supt. of Public Instruction, Sec. 156.405

Is confirmation necessary - no

Subject to what control - not indicated

To whom reporting - public

Term of office - 4 years, Sec. 156.405

State: Kentucky

PART I

Educational Organization (continued)

Local level or independent (No intermediate level for Kentucky)

Organizational unit: called County school district

how organized: Sec. 160.010, by legislation

composition: all of county, less any part therein composing an independent school district, Sec. 160.010

is it a body corporate: No. Board is.

Board of education: called Board of Education

established by: Sec. 160.160

is it a body corporate: Yes, ibid.

composition: 5 members, ibid.

how selected: election in even numbered years, Sec. 160.200

is confirmation necessary: No

subject to what control: Electorate

to whom reporting: State Board of Education, Sec. 160.340

term of office: 4 years, Sec. 160.200
staggered tenure and elections

Administrative officer of unit: called Supt. of Schools

office established by: Sec. 160.350

how selected: appointed by Board, ibid.

is confirmation necessary: No

subject to what control: Board, Sec. 160.370

to whom reporting: Board, Sec. 160.370

term of office: 1, 2, 3, or 4 years, Sec. 160.350

staff and who appoints: As many assistant superintendents as Board deems necessary and appoints, Sec. 160.360.
Supt. may appoint clerks, Sec. 160.390.

State: Kentucky

PART I

Educational Organization (continued)

Local level or independent (continued)

Organizational unit: called Independent school district

how organized: Sec. 160.020, with approval of State Bd. of Education

composition: territory of cities of lst 5 classes, Sec. 160.020

is it a body corporate: No, board is.

Board of education: called Board of Education

established by: Sec. 160.160

is it a body corporate: Yes, ibid.

composition: 5 members, ibid.

how selected: Election in even numbered years, sec. 160.200

is confirmation necessary: no

subject to what control: electorate

to whom reporting: State Board of Education, sec. 160.340

term of office: 4 years, staggered tenure & elections, sec. 160.200

Administrative officer of unit: called Supt. of Schools

office established by: Sec. 160.350

how selected: Appointed by Board, ibid.

is confirmation necessary: No

subject to what control: Board, Sec. 160.370

to whom reporting: Board, Sec. 160.370

term of office: 1, 2, 3, or 4 years, Sec. 160.350

staff and who appoints: as many assistant superintendents as Board deems necessary and appoints, Sec. 160.360
Supt. may appoint clerks, Sec. 160.390
Business Director in Class 1 cities appointed by Board, either subordinate to or independent of Supt., as determined by Board, Sec. 160.430.

State: Kentucky

PART I

Educational Organization (continued)

Schools

Principals

appointed by: School board, Sec. 160.380
only upon recommendation of superintendent
qualifications: certification, Sec. 161.020

term of office: varying, Sec. 161.740

Teachers

appointed by: School board, Sec. 160.380
only upon recommendation of superintendent
qualifications: Certification

certification: Sec. 161.020

tenure: varying, Sec. 161.740

special assignments: prescribed by Board of Education, Sec. 161.140

State: Kentucky

Source of information unless otherwise stated: Kentucky Revised Statutes, 1960, Vol. II, Title XIII, Education (compiled by Legislative Research Commission) (Legislative Research Com. advised that there have been no changes since April 1960.)

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

Sec. 183 of the Constitution of Kentucky reads: "The General Assembly shall by appropriate legislation, provide for an effecient system of common schools throughout the State."

Sec. 158.010 of the Kentucky Revised Statutes reads: "A uniform system of common schools shall be maintained in Kentucky." Most of the legislation enacted to effect these purposes and dealing directly with education is found in Title XIII, Education, Chapters 156 through 167, of the Kentucky Revised Statutes. The legislature has divided the authority for activities in this field between organizations at the State level, which have regulatory, administrative, leadership, and some operational functions, and organizations at the local level, which have limited regulatory functions, local administrative functions, and a great variety of operational functions.

Department of Education

Sec. 156.010 reads as follows:

> "(1) The Department of Education shall consist of the State Board of Education and the Superintendent of Public Instruction, who shall be the head of the Department.
>
> "(2) The Department of Education shall exercise all the administrative functions of the state in relation to the management and control of the public common schools, of vocational education and rehabilitation of West Kentucky Vocational School, and of the Kentucky School for the Blind.
>
> "(3) The Board of Commissioners of the Kentucky School for the Deaf and the State Textbook Commission are included in the Department of Education and constitute divisions thereof, but each shall continue to exercise all the functions conferred upon it by law."

State: Kentucky

PART II - continued (2)

Pursuant to Section 156.020, the Superintendent of Public Instruction recommends to the State Board of Education the appointment of an Assistant Superintendent of Public Instruction and the establishment of such divisions of the State Department of Education as he deems necessary. He may group the established divisions under such bureaus as he deems wise.

The functions of the State Department of Education are, of course, administrative primarily, and are carried out in the name of the Superintendent of Public Instruction, with such approval as may be required from the State Board of Education. However, the legislature, in Section 156.095, gave to the Department authority "to establish, direct and maintain a State-wide program of in-service teacher training." The service is to be organized and operated for the purpose of improving instruction in the public common schools and for the improvement of the leadership qualities and professional competence of principals, supervisors and teachers and for such other services in the improvement of instruction in the public common schools as may be approved from time to time by the State Board of Education on the recommendation of the Superintendent of Public Instruction.

State Board of Education

The State Board of Education, which meets only every three months or at such special meetings as may be called (Section 156.060) has general regulatory powers, a few powers which might be used to exert leadership, and practically no operational powers or need for them. General powers and duties of the Board are described in Section 156.070 which reads in part as follows:

> "(1) The State Board of Education shall have the management and control of the common schools, public vocational education and vocational rehabilitation, West Kentucky Vocational School, and the Kentucky School for the Blind.
>
> "(2) The State Board of Education may, on the recommendation and with the advice of the Sup erintendent of Public Instruction, prescribe, print, publish and distribute at public expense such rules, regulations, courses of study, curriculums, bulletins, programs, outlines, reports and placards as it deems necessary for the efficient management, control and operation of the schools under its jurisdiction. All rules and regulations of the board shall be published before they will be deemed in full force and effect."

Under Section 156.130 it approves educational policies and general rules and regulations for the work of all persons engaged in the administration of the common schools. Through the medium of prerequisite approval it controls the various publications of bulletins, programs, outlines of courses, and courses of study recommended to it by the Superintendent of Public Instruction (Section 156.230).

In the interests of maintaining uniform procedures, it prepares forms for use of school boards at local levels to file reports of school activities (Section 160.340), receives fiscal reports from local boards (Section 157.060), considers recommendations of the Superintendent of

State: Kentucky

PART II - continued (3)

Public Instruction on budgets, curriculum and other school requirements (Section 156.160), coordinates and approves school budgets (Section 160.470), declares emergencies for increased budget over statutory limit in certain areas (Section 160.550), determines the question of whether certain school districts are "isolated" and therefore qualified for special aid (Section 157.320) and expresses its approval on the various matters such as the following:

Bonds of treasurers of local boards (Section 160.560)
Depository of funds of local boards (Section 160.500)
Depository of building funds (Section 160.476)
Purchase of free textbooks (Section 157.100)
Distribution of free textbooks (Section 157.110)
Requisition of free textbooks for local use (Section 157.120)

The power of issuing certificates to all superintendents, principals, teachers, supervisors, attendance officers, and other administrative, supervisory or instructional employees in the State school system is vested in the State Board of Education by Section 161.030. Under this authority it issues rules and regulations. It approves the curricula of any standard college or university for the training of teachers and the curricula at the State teachers' colleges of Kentucky. Under authority of Section 156.090 and upon recommendation of the Superintendent of Public Instruction, it is required to publish various bulletins containing information on the kinds and grades of certificates issued, rules and regulations governing certificates, schools offering teacher training courses and related information.

Every two years a report of the State Board of Education, prepared by the Superintendent of Public Instruction, must be submitted to the Governor and the General Assembly giving detailed information concerning the condition of schools in the State, attendance, cost of operation, budgets, building programs, expenditures of all kinds, and similar data. (Section 156.250)

S uperintendent of Public Instruction

The functions of the State Superintendent of Public Instruction are necessarily largely administrative but some are regulatory and some are clearly in the field of leadership. In this latter respect he might be considerably more effective than his counterpart in some other States, by reason of special status given to him by legislative provisions. The Constitution of the State itself, in Article 91, makes his office elective. Like most of his counterparts, he is head of the Department of Education (Section 156.010), but unlike them he is, not the executive officer, but the chairman of the State Board of Education (Section 156.030), and in that capacity may call special meetings of the Board (Section 156.060). He sits as a member of the State Textbook Commission (Section 156.405), acts as chairman at the annual Governor's Conference on Education (Section 156.490), is a member of the board of trustees of the teachers' retirement system (Section 161.250) and is also a member of the board of trustees of the University of Kentucky (Section 164.130). He attends school conferences in and out of the State (Section 156.180), and of course is authorized to call such conferences

of school officials within the State (Section 156.190). In these various activities he can exert considerable leadership.

In the discharge of his administrative functions, which are his primary responsibilities, he can also exert leadership from time to time. Under Section 156.130 he is the executive officer of the State Board of Education in its administration of all public education, and performs such duties as are assigned to him by the Board. He is responsible for the administration of the Department of Education. And he executes, under the direction of the Board, the educational policies decided upon by the Board, directing under its general rules and regulations the work of all persons engaged in the administration of the common schools. He recommends to the Board the appointment of an Assistant Superintendent of Public Instruction (Section 156.020) and controls and appoints division heads in the Department of Education (Section 156.140), recommending disciplinary action against them and local personnel as well under Section 156.110. He prepares, for approval of the State Board of Education, various publications dealing with education(Section 156.230), publications on school laws (Section 156.240), and the biennial report of the State Board itself (Section 156.250).

Pursuant to Section 156.160 he prepares for approval and adoption by the State Board of Education various important documents:

1. The biennial State school budget
2. Minimum courses of study for the different grades and kinds of common schools and regulations governing <u>educational equipment</u> of the schools
3. Rules and regulations for grading, classifying and accrediting all common schools, and for determining the scope of instruction that may be offered in the different classes of schools, and minimum requirements
4. Rules and regulations for taking and keeping school census
5. Regulations for the sanitary and protective construction of public school buildings and so on
6. Regulations governing medical inspection, physical education and recreation and similar requirements for the protection of public school children
7. Rules and regulations concerning transportation of school children...

10. Rules and regulations governing the preparation of budgets and salary schedules for the several school districts
11. A uniform series of forms and blanks, educational and financial, including forms of contract, for use in several school districts

Under Section 156.400 he classifies school subjects into schedules for adoption in successive progressive programs of education. As a member of the State Textbook Commission he assists in the selection of textbooks (Section 156.405) the formulation of minimum standards for textbooks and recommendations to the State Board of Education for purchase and supply (Section 156.410), executes contracts for approved books (Section 156.435), purchases textbooks approved by the State Board for redistribution

to grades 1-8 (Section 157.100), on a progressive scale (Section 157.120), and, subject to the approval of the State Board, makes rules for the purchase, requisition, distribution and assignment to pupils of textbooks, as well as their use and care (Section 157.130).

He approves plans for new school buildings in accordance with rules of the State Board of Education (Section 162.060) and plays an important part in improving educational and teaching techniques in the State through his recommendations to the State Board concerning the in-service training for teachers (Section 156.095) referred to above.

He has various other powers partly administrative and partly regulatory, such as the issuance of statements of eligibility required for appointment of local superintendents of schools (Section 160.350), access to all local school records with power of process to call witnesses and investigate irregularities (Section 156.210), and the decision of controversies arising in the administration of the school system (Section 156.220).

State Textbook Commission

This Commission meets each year to select, approve and publish a list of ten suitable books for each subject of instruction in the public schools. Local authorities make their choice of books from these lists and present requisitions to cover their needs or by directly in accordance with various rules and regulations established (Section 156.435).

School Districts

In Kentucky a uniform system of common schools is maintained (Section 158.010). A common school is an elementary or secondary school of the State supported in whole or in part by public taxation (Section 158.030). The operation of the schools is conducted in school districts, of which there are two kinds: (1) the county school district, comprising all of the territory of a county less that part included in an independent school district within its boundaries (Section 160.010); and (2) the independent school district established for a populous area, ranging in size through the first five classes of cities, sometimes with adjoining areas, down to a graded common school district having a school census of 200 or more white children (Section 160.020). Various sections of Chapter 160 provide for changes in the size and status of such districts, resulting readjustments necessary and contractual arrangements among them to provide for the school services required. Essentially, however, these two types are the same and each is required by Section 158.100 to provide "at least an approved twelve-grade school service". The district as such has no powers, since it is not a body corporate as in some states. It serves to mark off the geographical limits of the jurisdiction of school officials at the operating or local level.

State: Kentucky

PART II - continued (6)

Boards of Education

Each school district is under the management and control of a Board of Education consisting of five members known as the "Board of Education of _____, Kentucky". Each Board is a body politic and corporate, with perpetual succession, right to sue and be sued, make contracts, purchase, receive, hold and sell property, issue its bonds to build and construct improvements, and do all things necessary to accomplish the purposes for which it is created, (Section 160.160). Members of the Board are elected in accordance with the general election laws of the State (Section 160.240) and on a non-partisan basis (Section 160.250). Each Board of Education shall hold at least one regular meeting each month and such special meetings as may be called (Section 160.270).

Section 160.290, General Powers and Duties of Board, reads as follows:

> "(1) Each board of education shall have general control and management of the public schools in its district and may establish such schools and provide for such courses and other services as it deems necessary for the promotion of education and the general health and welfare of pupils, consistent with the rules and regulations of the State Board of Education. Each board shall have control and management of all school funds and all public school property of its district and may use such funds and property to promote public education in such ways as it deems necessary and proper. Each board shall exercise generally all powers in the administration of its public school system, appoint such officers, agents and employes as it deems necessary and proper, prescribe their duties, and fix their compensation and terms of office.
>
> "(2) Each board shall make and adopt, and may amend or repeal rules, regulations and bylaws for its meetings and proceedings for the government, regulation and management of the public schools and school property of the district, for the transaction of its business, and for the qualification and employment of teachers and the conduct of pupils. The rules, regulations, and bylaws heretofore made by any governing body of a school district, or hereafter made by a board of education, shall be consistent with the general school laws of the state and shall be binding on the board of education and parties dealing with it until amended or repealed by an affirmative vote of three members of the board. The rules, regulations and bylaws shall be spread on the minutes of the board and be open to the public."

Note An annotation to this section reads in part as follows: "County Board of Education possesses not only the powers specifically conferred by statute, but also such implied powers as are reasonably inferable from the express powers and objects to be attained by creation of such board....Statutory provisions requiring audits of school building funds, ... are merely additions to powers of County Boards of Education, and are not intended to limit or restrict inherent powers of Boards to conduct their fiscal affairs. (November 7, 1952), Lewis, et al. v. Morgan, et al., 252 S. W. (2d) 691.

Each Board of Education shall appoint a Superintendent of Schools for a term of one, two, three or four years (Section 160.350), and may, on the nomination of the Superintendent of Schools, appoint as many assistant superintendents as it deems necessary (Section 160.360). Boards of

State: Kentucky

PART II - continued (7)

Education of independent districts of a city of the first or second class may appoint a business director, pursuant to Section 160.430, and at its discretion make him either independent of the Superintendent of Schools or subordinate to him. If the business director is independent he shall advertise for bids and shall purchase all supplies and equipment authorized by the Board, and manage the business affairs of the Board. If he is subordinate to the Superintendent of Schools he performs these functions subject to the supervision of the Superintendent.

Otherwise, all appointments, promotions and transfers of principals, supervisors, teachers and other public school employees shall be made only upon the recommendation of the Superintendent of Schools, subject to the approval of the Board.(Section 160.380). An annotation to this section reads "In absence of specification in teachers' contracts specifying the school and the class of position in which he is to be employed, school authorities have authority to transfer a teacher from one school or class of position to another."(March 5, 1954). Marshall, et al. v. Walters, 265 S.W. (2d) 787.

Under Section 160.340 each Board of Education shall prepare and submit to the State Board of Education reports on all phases of its school service. Each Board may prepare and publish a report for the information of the public.

Pursuant to Section 160.470, each district board of education shall prepare annually a general school budget and send copies of it to the local tax levying authority as well as to the State Board of Education for its approval or disapproval. In case of disapproval changes are made. Apparently there is no provision, as in some States for elaborate hearings and approval by local voters and taxpayers. The necessary taxes are levied by the fiscal court of each county, or in the case of some large independent school districts by the governing body of a city, (Section 160.460), but limits are imposed on the rate of ad valorem tax levies and the amount of poll tax for school purposes (Section 160.475). A procedure is provided for local taxpayers to vote on school building funds (Section 160.477). School taxes are collected by the regular tax collectors for the tax-levying authorities in the districts, but an independent school district may select a special tax collector for this purpose (Section 160.500). In Section 157.400, a procedure is established for determining the amount of money distributable to each district from the State public school foundation program, in order to supplement the local tax effort. Section 157.410 provides for payments to the different districts, and Section 157.420 imposes certain restrictions on the end use of school funds according to purpose.

A Board of Education, upon determining that it is necessary to construct or enlarge school buildings, may request the local taxing authority to issue an ordinance calling for a vote on the question by local taxpayers (Section 162.080). In case of approval "school improvement bonds" may then be issued in the name of the Board of Education (Section 162.090).

State: Kentucky

PART II - continued (8)

Pursuant to Section 160.580, the district board of education is empowered to receive any gift on behalf of schools in its districts and to use such gifts in accordance with the terms specified.

No specific authority is prescribed, or procedure provided, for the purchase of school supplies. Only incidental reference to this is made in connection with the duties of a business director acting under authority of a board of education or, in some cases, subordinate to the superintendent (Section 160.430).

Superintendent of Schools

Pursuant to Section 160.350, each Board of Education shall appoint a Superintendent of Schools. His duties are set forth in Section 160.370, which reads as follows:

> "The superintendent shall be the executive agent of the board that appoints him and shall meet with the board except when his own tenure, salary, or the administration of his office is under consideration. As executive officer of the board, the superintendent shall see that the laws relating to the schools, the bylaws, rules and regulations of the State Board of Education, and the regulations and policies of the district board of education are carried into effect. He may administer the oath required by the board of education to any teacher or other person. He shall be the professional adviser of the board in all matters, except as provided in KRS 160.430. He shall prepare, under the direction of the board, all rules, regulations, bylaws and statements of policy for approval and adoption by the board. He shall have general supervision, subject to the control of the board of education, of the general conduct of the schools, the course of instruction, the management of teachers, the discipline of pupils, and the management of business affairs, except as provided in KRS 160.430."

(KRS 160.430 relates to the duties and function of the business director, as described above).

Further duties are described in Section 160.390, which reads in part as follows:

> "(2) The superintendent shall devote himself exclusively to his duties. He shall exercise general supervision of the schools of his district, examine their condition and progress, and keep himself informed of the progress in other districts. He shall prepare or have prepared all budgets, salary schedules and reports required of his board by the State Board of Education. He shall advise himself of the need of extension of the school system of the district, shall receive and examine reports from teachers and other school officers, and shall make reports from time to time as required by the rules of his board or as directed by the board. He shall be responsible to the board for the general condition of the schools."

State: Kentucky

PART II - continued (9)

The Superintendent also nominates for appointment as many assistant superintendents as his Board of Education may deem necessary (Section 160.360). He may appoint necessary clerks and may remove them at pleasure, but the number and the salaries of the clerks are determined by the Board (Section 160.390).

He has a degree of control over other school employees under Section 160.380, which provides that, with the exception of the business director (Section 160.430), all appointments, promotions and transfers of principals, supervisors, teachers and other public school employees shall be made only upon the recommendation of the Superintendent of Schools, subject to the approval of the Board.

He has certain administrative duties relating to the purchase of books on requisition of county superintendents under Section 157.120 and the distribution and custody of such books under Section 157.150. Also he is required to report to the tax-levying authority of his district the number and cost of textbooks and school supplies needed by the indigent school pupils of the district and provided by his board of education under provisions of Section 160.330.

Very little more is said concerning duties pr powers of Superintendents of Schools. Only a few sections may be relevant by reason of his supervisory power and duties. Under Section 161.140 each Board of Education prescribes the duties to be performed by all persons in public school service in the district. Under Section 161.170 each teacher in the public schools shall enforce the course of study, the use of the legally authorized textbooks, and the rules and regulations prescribed for the schools. Teachers keep records (Section 161.200) and make reports (Section 161.210) at his direction, but under general rules of the Board.

State: Kentucky

Source of information unless otherwise stated: _____

_____

_____

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

In a letter of November 28, 1961, to John W. Connelly, Jr., the Assistant Director of Textbooks and Instructional Material in the Kentucky Department of Education, Mr. Boswell B. Hodgkin, stated

> "There are no state laws or regulations of the State Board of Education pertaining to audio-visual media. We are studying the possibility of introducing legislation for state-wide educational television.
>
> "Selection and purchase of instructional materials are done at the local school level."

In a further letter dated December 27, 1961, he stated

> "As I have previously related, there are no laws or regulations pertaining to the use of audio-visual aids in our state. I would say that these aids may be used indiscriminately by the school district."

No material on this subject has been found in Statutes or Rules.

State: Kentucky

Source of information unless otherwise stated: Kentucky Revised Statutes, Volume II, Chapters 156-336, July 1960.

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject.
Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or
No

No 2. Planning the use of AV aids

Yes 3. Preparing curricula

156.070(2), 156.160(2), 156.400, 160.290(1), 161.170

No 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

No 5. Organizing AV units and cooperative activities

Yes 6. Conferring on AV use outside of State educational structure

156.180

State: Kentucky

PART IV (continued)

Yes or No

No 7. Selecting AV aids (and observing academic freedom)

Yes 8. Selecting textbooks (and observing academic freedom)

156.405, 156.410, 156.415, 156.435, 156.440(2), 156.440(3), 156.450, 156.474, 157.100, 160.330,161.170

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

160.330, 160.470

Yes 10. Financing acquisition by rent or purchase

156.160(1), 162.510

No 11. Regulating use of AV aids and keeping statistics on use and using personnel

No 12. Distributing AV aids

No 13. Producing AV aids

Yes 14. Certificating teachers and AV professionals

156.090, 156.095, 160.300(2), 161.020, 161.030, 161.040

Yes 15. Prescribing qualifications of using personnel

156.230(1), (2)

State: Kentucky

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

156.160(3), 160.390(2)

Yes 17. Building or remodeling schools to facilitate AV use

156.160(5), 162.060, 163.340

Yes 18. Federal aid to schools

156.100, 171.150, 171.210

Yes 19. State aid to schools

157.010, 157.030, 157.330, 157.350, 157.400, 157.410, 157.420

Yes 20. Private aid to schools

160.580

Yes 21. Library programs

171.015, 171.140, 171.202, 171.240, 171.500
Chapter 173

No 22. Research programs

Yes 23. Institutes

156.190

No 24. Other established procedures

State: Kentucky

Source of information unless otherwise stated: Kentucky Revised Statutes, Volume II, Chapters 156-336, July 1960 (Compiled by the legislative research commission); with Supplement to the 1958 Edition.

PART IV(Cont.)

Functional and institutional categories of legal authority which relate, or might relate, to AV Media and their use

Topic 5:

The sections which are pertinent to this category have been adequately treated in Part II.

Topic6:

Section 156.180 is discussed in Part II, insofaras it is pertinent.

Topic 8:

Section 156.405 establishes the State Textbook Commission, its members, and their terms of office. Among the duties of the Superintendent of Public Instruction with respect to the selection and adoption of textbooks discussed in section 156.410 are the preparation of minimum manufacturing standards, and the formulation of other criteria to be used. Section 156.415 lists a number of conditions which are to be complied with by the offeror before books are selected and adopted. The State Textbook Commission, pursuant to section 156.435, selects, approves, and publishes a list of ten books in each subject and grade. Once this has been done, the Superintendent prepares a list and sends a published copy to the superintendents of each county and independent school district. The board of education of each county is directed by section 156.440(2) upon the recommendation of the superintendent to select one book from the list to be used as a basal text for a four year period. Section 156.440(3) then gives these districts permission to reject an adoption. The consequence of this is that the books on the state list as designated shall be used for the adoption period concerned. Any school unit may purchase and distribute books or appoint an official retail agent, according to section 156.450 Multiple textbook adoptions are permitted by section 156.474 on application of the district to Superintendent, who then makes the proper recommendation to the State Board. Section 157.100 directs the Superintendent, subject to the approval of the State Board, to purchase texts and distribute them without cost to pupils in the first eight grades.

State: Kentucky

PART IV (Cont.)

Topic 9:

Section 156.180 has been referred to in Part II.

Topic 10:

Section 156.160(1) directs the State Superintendent to have the biennial school budget prepared and to submit it to the State Board for approval and adoption. On Page 347 of the Educational Bulletin on Policies, Rules, and Regulations for Boards of Education it is suggested that a local board policy might read "On requisition of the person who has need, the superintendent of the district shall be responsible for all minor repairs and for the purchasing of supplies and equipment."
To assist the boards of education section 162.510 creates the Kentucky Public School Authority with power to contract and finance school building projects.

Topic 14:

Section 156.090 directs the State Board, upon the recommendation of the State Superintendent, to publish bulletins containing information on the kinds and grades of certificates, the rules and regulations governing the issuance and other material relating to training and certification of teachers. An in-service training program is described by section 156.095. The State Department is given the authority to direct and maintain the program. Its purposes include improving the instruction through any service approved by the Board on the recommendation of the Superintendent. Section 160.300(2) empowers each board of education to make rules for the qualification and employment of teachers, so long as they are consistent with the laws of the state. No teacher, superintendent, supervisor, or other public school officer is eligible for such a position without a certificate. This is the language of section 161.020. Certificates are issued from the office of the State Board, pursuant to section 161.030. A good moral character and being over 18 years of age are the general qualifications for a certificate given in section 161.040. Section 161.100 authorizes the issuance of emergency certificates.

Topic 15:

Section 156.230 directs the Superintendent to publish and submit for approval to the State Board a list of all public schools showing their classification. He is also supposed to prepare for publication by the State Board the rules, minimum standards for schools, and educational policies. Although these sections do not directly to the qualification of using personnel, there is a close relationship sufficient to indicate a reliance thereon in such a situation.

State: Kentucky

PART IV (Cont.)

Topic 16:

Section 156.160(3) has been discussed sufficiently in PartII. Section 160.390(2) may also be found in Part II.

Topic 17:

Section 156.160(5) has been treated in the discussion of the State Superintendent in Part II. Section 162-060 provides that the Superintendent be furnished with a copy of all plans and specifications for all public school buildings contemplated by boards of education and for all additions to or alterations of old buildings. He then approves or disapproves according to the rules of the State Board. Section 162.340 provides for the leasing of school buildings with an option to purchase by the governing body of the educational institution.

In the Educational Bulletin on Policies, Rules, and Regulations for Boards of Education Vol.XXVIII. June,1960.No.6 at page 379 there is a discussion of the authority to erect new buildings, repair old buildings and buy equipment for the operation of the school.

In the Educational Bulletin on Planning School Construction, Vol.XXVI November, 1958 No.11 is a discussion on the roles of the different agencies throughout the state, beginning on page 1064, and ending on page 1072. Following that the book contains a section on the school plant program. Among the points considered in determining the adequacy of a present plant, as discussed on pages 1076 through1079 are comfortable seeing and hearing conditions. Another important area in the book is the high school education program on pages 1091 through 1095.

Topic 18:

Section 156.100 authorizes the State Board to accept the provisions of any Act of Congress apportioning funds to the state for education. The Board is then directed to prescribe the necessary rules. The Library Extension Division of the Department of Library and Archives is permitted to accept and administer any money granted to it by the Federal Government or any other agency, according to section 171.150. It is then directed to transmit to the U.S. Commissioner of Education official notice of acceptance. This language is found in section 171.210.

State: Kentucky

PART IV (Cont.)

Topic 19:

Section 157.010 explains what constitutes the School Fund. In addition to the sums appropriated by the General Assembly, bond interests and dividends are included. It is the net revenue which accrues each year that is distributed, according to section 157.030. The Foundation Program Fund is described by section 157.330, which also establishes the Fund. The eligibility of districts to share in the distribution of the Fund depends on the requirements laid out in section 157.350. A long procedure for determining the amount distributable to each district is found in section 157.400. Payments are made by warrants of the Department of Finance on the certification of the State Superintendent, who determines the tentative allotment each district may receive. This language is part of section 157.410. The funds made available to each district are received, held and expended subject to the provisions of law and regulations of the State Board, pursuant to section 157.420. That section also lists additional restrictions to govern the expenditure of funds from the public school foundation fund.

Topic 20:

Section 160.560 authorizes the receipt and use of any gift, grant or devise by a district board, provided the purpose is in harmony with the general state program.

Topic 21:

Title XIV is entitled Libraries and Archives. In Chapter 171 state libraries, library extension services and state archives are discussed. The State Law Library is created by section 171.015. It is under the management, supervision and control of a board of trustees who include the judges of the Court of Appeals and the Attorney-General. The Library Extension Division, headed by a director who is appointed by the Governor, is to give assistance and advice to all school, state institutional, free and public libraries, and all communities who propose to establish libraries. This advice is to include details of library management. This language is found in section 171.140. The Division may also issue printed material and conduct courses of library instruction. The Director of the Division, the Commissioner of Finance and the Attorney-General constitute a Public Library Service Commission according to section 171.202. The purpose of that Commission is to administer the Public Library Service Fund, which is to aid in the development of local library facilities. Section 171.500 constitutes the Archives and Records Service as the central depository for public records.

Chapter 172 is concerned with County Law Libraries.

State: Kentucky

PART IV (Cont.)

Topic 21: (cont.)

Chapter 173 of Title XIV covers City, County, and Regional Libraries. In First-Class cities the boards of trustees are given authority which is similar to that granted upon a board of school trustees. For example, section 173.050 states that they may sue or be sued, manage and improve property, rent or lease property, and erect suitable buildings. The funds provided for the establishment and maintenance of a public library comes from the city's general fund, according to section 173.070. This chapter also discusses libraries in cities of second to sixth class counties, as well as public library districts. They are treated much like schools also.

Topic 23:

Section 156.190 gives the Superintendent of Public Instruction permission to call and conduct conferences of boards of education, superintendents, supervisors, principals, teachers, attendance officers, and other regular public school employes on matters relating to the condition, need, and improvement of the schools.

LOUISIANA (1959-60)

Enrollment in full-time public schools:	
Elementary	542,379
High School	150,823
Number of school districts (including non-operating)	67
Number of elementary schools	1,207
Number of high schools (including junior high)	659
Expenditure per pupil in average daily attendance	$372

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960, OE-20006-60, pp. 6-7, 9, 11.

LOUISIANA

Parish and Independent School Superintendencies

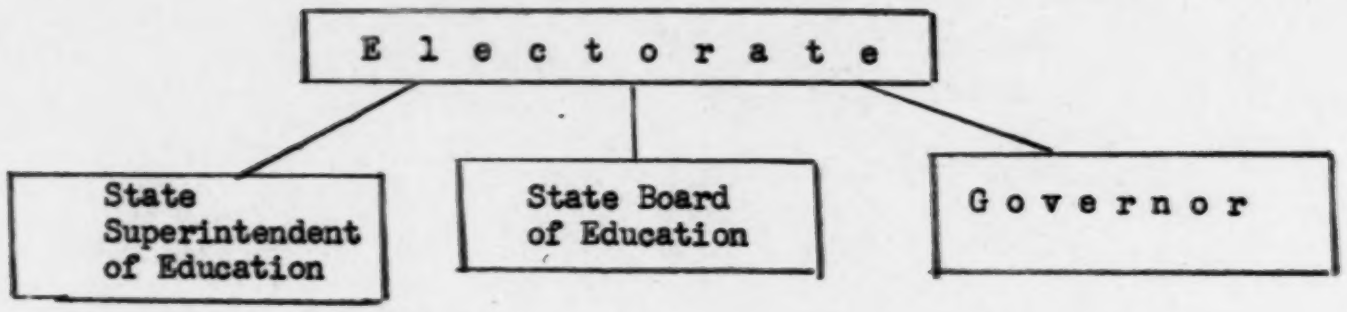
There are 67 school superintendencies in the State: 61 complete county-unit superintendencies, 3 partial county-unit superintendencies, and 3 independent city superintendencies located within the 3 partial county-unit counties. The Parish in Louisiana is a civil division which corresponds to a county in other States.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 85.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 79-80.

L O U I S I A N A

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

a. Schools...

State Board of Education.--Composed of 11 members, 3 of whom are elected from districts corresponding to the public service commission districts for overlapping terms of 6 years and 8 are elected from districts corresponding to the congressional districts for overlapping terms of 8 years. The State superintendent is executive secretary of the board.

b. Supplementary programs

Coordinating Council on Education(advisory).--The council, established under the provisions of Act 415 of 1948, is composed of 2 members from the board of supervisors of the Louisiana State University and 2 members from the Louisiana State board of education. The director of higher education of the department of education, acting for the State superintendent of education, is ex officio chairman of this council. The chief powers and duties of the coordinating council are:

(1) Exchanging information regarding size and distribution of student bodies and curricula offered.

(2) Exchanging information relating to plans of expansion for courses of study and areas of development.

(3) Reviewing all building proposals requiring legislative approval or support.

(4) Withholding, as a committee, endorsement of legislative proposals which have not been submitted for review before introduction to the legislature.

(5) Making recommendations for respective boards on matters of common interest and policies, such as scholarships, admissions, transfer students, and degrees.

3. Chief State School Officer

The State superintendent of public education is elected by the people on a partisan ballot for a 4-year term.

7. Coordination of the State Education System Through Structure

Two agencies, the superintendent of public education and the State board of education, share the primary responsibility for coordination of the State program for elementary and secondary education...

The legislature has created a coordinating council on education for the purpose of establishing balance and harmony in the total program of education in the State. Representatives of both the State board of education and the supervisors of Louisiana State University compose the council.

9. Fiscal Coordination

Three State education agencies submit budgets to the State budget officer. These are (a) the superintendent of public education for the State department of education, (b) the State board of education for State schools....

The State budget officer conducts conferences with the various State agencies involved and prepares the executive budget under the direction of the governor for transmittal to the legislature.

State: Louisiana

Source of information unless otherwise stated: Louisiana Statutes Annotated 1951 with Cumulative Supplement for 1961. St. Paul: West Publishing Company

PART I

Educational Organization

State level:

Department of Education: called State Department of Education, 17:6

how organized: established by state superintendent of education, 17:6

established by: see above

is it a body corporate: no, board is; see below.

State Board of Education: called State Board of Education

established by: 17:1

is it a body corporate: Yes, 17:2

composition: 11 members, 17:1

how selected: 3 members elected from public service commission districts;
8 members elected from congressional districts, 17:1

is confirmation necessary: no

subject to what control:

to whom reporting:

term of office: 3 from public service commission districts for 6 years;
8 from congressional districts for 8 years, 17:1

Chief state school officer: called State superintendent of education, 17:4

office established by: 17:4

how selected: elected by the people, ibid.

is confirmation necessary: no

subject to what control:

to whom reporting: Governor, 17:16

term of office: 2 years, 17:4

staff and who appoints: State supt. employs personnel in dept. of educatio 17:6

Other organization or official: called

State: Louisiana

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called

how organized:

composition:

is it a body corporate:

Board of education: called Parish school board

established by: 17:51

is it a body corporate:

composition: 1 member from each police jury ward of parish, 17:52

how selected: elected by people of each police jury ward, 17:52

is confirmation necessary: no

subject to what control:

to whom reporting:

term of office: 6 years, 17:52

Administrative officer of unit: called Parish supt. of schools

office established by: 17:54

how selected: elected by parish school board, 17:54

is confirmation necessary: no

subject to what control: Parish school board, 17:54

to whom reporting: Parish school board, 17:91, and
State board of education, 17:92

term of office: 4 years, 17:54

staff and who appoints: Asst. supts., supervisors, and clerical help appointed by parish school board, 17:84

State: Louisiana

PART I

Educational Organization (continued)

Schools

Principals

appointed by:

qualifications:

term of office:

Teachers

appointed by: Selected by parish school board from nominations made by parish superintendent, 17:81

qualifications: State board of education prescribes qualifications, 17:411

certification: State board of education provides for certification of teachers, 17:411

tenure: Teachers serve probationary period of three years, 17:442

special assignments:

State: Louisiana

Source of information unless otherwise stated: Louisiana Statutes Annotated, 1951 with Cumulative Supplement for 1961.

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

Section 7: "The state board of education shall prepare courses of study, rules, by-laws, and regulations for the government of the public schools of the state, which shall be enforced by the parish superintendents and the several parish school boards." "The state board of education shall exercise administrative control and supervision over the adoption, distribution, and the use of free textbooks as provided by R.S. 17:351 through 17:353, and shall adopt such rules and regulations governing their use by schools, parish school boards, and superintendents of education as may be necessary...In its administration of textbook regulations, the said state board shall enforce uniform use of the books from the adopted lists..."

Section 13: "The state superintendent shall keep in close touch with all of the state educational institutions under the control of the state board of education, and of all the public schools of the various parishes with the view of seeing that the physical plants of the schools are adequate and kept in the proper state of repair and sanitation; that the courses of study prescribed by the state board of education are faithfully followed; that teachers meet the standards prescribed by the board;...that wise methods are used in the preparation of the subject matter; and in all other ways possible, assist the local authorities, superintendents, and teachers to secure the best possible results from their efforts. In the prosecution of this work of inspection and supervision, the various employees in the state department of education shall be under the immediate direction and control of the state superintendent of education, and they shall make such verbal and written reports to him as he may require. In the professional administration of the schools, as indicated in this section, it shall be the duty of the heads of the various state educational institutions and of the public school officials in the various parishes to be guided, as far as practicable, by the suggestions and directions of the state superintendent.

State: Louisiana

PART II(Cont.)

Section 81: Confers among other things the authority to make necessary rules and regulations upon the parish school boards. The parish boards are also directed to exercise proper vigilance in securing all funds destined for the support of the schools. Parish school boards are also permitted to receive land by donation. Once land is acquired, they may provide for and secure the erection of school houses, and make repairs and provide for the necessary furniture, equipment and apparatus.

Section 91: "The parish superintendents of schools during the year shall visit as often as possible each school in the parish and shall exert their best endeavors in promoting the cause of public education. To this end they shall faithfully carry out the requirements of the state school laws and the rules and regulations made for the schools by the state board of education. Parish superintendents of schools shall make quarterly reports to their parish school boards upon the condition of the schools under their supervision,,.."

State: Louisiana

Source of information unless otherwise stated: West's Louisiana Statutes Annotated, Revised Statutes, Volume 13, including 1961 Cumulative Annual Pocket Part.

PART III *

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

(All Sections are under Title 17, Education.)

The following sections comprise Chapter 13, Louisiana Educational Television Commission, and are quoted in full:

Sec. 2501. "Creation and functions

"The Louisiana Educational Television Commission iscreated and organized as a continuing successor to the temporary Special Legislative Television Commission, established by the 1952 session of the Legislature. Added Acts 1954, No. 548, § 1.

Sec. 2502. "Membership; terms; vacancies

"The commission shall be composed of the following members: two representatives from the State Board of Education, two representatives from the State Department of Education, two representatives from the Boardof Supervisors of Louisiana State University, a representative member of the faculty of each of the state colleges and of Louisiana State University, one representative each fromTulane University, Loyola University, Centenary College and Louisiana College, and two representatives of the television broadcastingindustry.

"The two representatives ofthe television broadcastingindustry shall be appointed by the Louisiana Associationof Broadcasters. The other members shall be appointed by the group whom they represent. All members of the commission shall serve at the pleasure ofthe appointing authority. All vacancies shall be filled by the agency, department or group in whose representation the vacancy occurs.

Sec. 2503. "Officers; quorum

"The members of the commission shall elect a chairman and a vice-chairman and such other officers as they deem necessary. A majority of the members shall constitute a quorum and may act on any matter within the jurisdictionof the commission.

Sec. 2504. "Meetings; records

"The first meeting of the commission shall be held within sixty days after

*Note: All sections cited in Part III are found in the 1961 Annual Pocket Part.

State: Louisiana

PART III (Cont'd.)

The adjournment sine die of the regular session of the legislature. In its first meeting the commission shall elect officersand adopt rulesofprocedure. It may meet as often as it deems necessary. The commission shall keep an accurate record of all proceedings.

Sec. 2505. "Powers and duties of commission

"The powers and duties of the commission shall be to:

"1. Establish an office and employ such personnel in addition to the coordinator or executive secretary as may be required.

"2. Serve as a source of information for Louisiana citizens concerning the nature and uses of educational television.

"3. Aid communities in the development of production centers or non-commercial television stations.

"4. Make the benefits ofeducational television available to and promote its use by the residents of the state.

"5. Accept gifts and grants of money or property for the development of educational television in Louisiana and make detailed annual reports to the Governor and the Legislature of such receipts and their disbursement.

"6. Continue the study of state educational needs that may be met through the use oftelevision, explore in-school and out-of-school programs for children, teacher-in-service training and adult education.

"7. Recommend policies for educational television development in Louisiana.

"8. Serve in an advisory capacity on all matters pertaining to the development ofeducational television in Louisiana.

Sec. 2506. "Compensation of members

"The members of the commission shall receive no compensationfor their services, but they shall be reimbursed for expenses actually and necessarily incurred in the performance of their duties.

Sec. 2507. "Coordinator or executive secretary; selection, duties

"The commission shall appoint a full-time coordinator or executive secretary who shall serve at the pleasure of the commission and whose duties shall be prescribed by the commission.

Sec. 2508. "Compensation of executive secretary; employees

"The coordinator or executive secretary and other required personnel shall receive such compensation as the commission deems reasonable for the services rendered."

The following sections comprise Chapter 14, Educational Television Facilities, and are quoted in full:

Sec. 2751. "Authority to establish and maintain educational television facilities.

"The State Board of Education, the Louisiana State University Board of

State: Louisiana

PART III (Cont'd.)

Supervisors and the State Department of Education, through the State Superintendent of Education, are hereby given authority to build equipment, rent, purchase and take such steps as are necessary for the establishment and maintenance of educational television facilities in the state of Louisiana. Acts 1954, No. 591, § 1.

/Note: The compiler included the following note: "..... Title of Act: An Act authorizing the building, constructing and operating of Educational Television facilities and through the cooperation of the State Board of Education, the Louisiana State University Board of Supervisors and the State Department of Education, and the providing of necessary funds through the acceptance of grants from foundations and an appropriation from the general fund ofthe State of Louisiana to carry out the provisions of this act. Acts 1954, No. 591."/

Sec. 2752. "Initiation of program and plan; contracts; grants in aid

"The State Superintendent of Education is hereby authorized to initiate a program and plan and sign such contracts as will result in the establishment of the necessary facilities for educational television broadcasts and is hereby authorized to accept in the name of and for the state ofLouisiana any grants in aid from recognized foundations, groups or individuals which place no obligation upon the receiving of such grants except that they be used for non-commercial educational television work. Acts 1954, No. 591, § 2.

Sec. 2753. "Use of facilities for education exclusively

"The television facilities purchased, constructed and maintained under the provisions of this Chapter shall be non-commercial and used exclusively for and by education. Acts 1954, No. 591, § 4."

-a1

/Note: For a report on progress of education/television inLouisiana, see: "State Department of Education ofLouisiana One Hundred Eleventh Annual Report for the Session1959-60, Issued by Shelby M. Jackson, State Superintendent of Public Education," pages 16-18./

State: Louisiana

Source of information unless otherwise stated: West's Louisiana Statutes Annotated, Revised Statutes, Volume 13, including 1961 Cumulative Annual Pocket Part.

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject.
Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes 2. Planning the use of AV aids

Sec. 2505(6), (7), and (8), 1961 Pocket Part.

Yes 3. Preparing curricula

Secs. 7; 261 through 268; and 417; also sec. 13.

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

Sec. 13 and Sec. 2505(8)(1961 P.P.).

Yes 5. Organizing AV units and cooperative activities

Same as Topic 2, supra.

Yes 6. Conferring on AV use outside of State educational structure

Sec. 2505(2), (3), and (4) (1961 P.P.).

State: Louisiana

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)

Secs. 2502; 2505(8) (1961 P.P.); and 13.

Yes 8. Selecting textbooks (and observing academic freedom)

Sec. 7.

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

Secs. 7 and 352.

Yes 10. Financing acquisition by rent or purchase

Secs. 88; 89; 98; and 351.

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel

Sec. 91.

Yes 12. Distributing AV aids

Same as 7, above.

Yes 13. Producing AV aids

Sec. 2751 (1961 P.P.).

Yes 14. Certificating teachers and AV professionals

Secs. 411 and 413.

Yes 15. Prescribing qualifications of using personnel

Same as Topic 15, above.

State: Louisiana

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

Sec. 7.

Yes 17. Building or remodeling schools to facilitate AV use

Secs. 2505(6), (7), and (8) (1961 P.P.) and Sec. 98.

Yes 18. Federal aid to schools

Sec. 8.

Yes 19. State aid to schools

Sec. 14.

Yes 20. Private aid to schools

Secs. 8; 381; and 2505(5) and 2752 (1961 P.P.).

Yes 21. Library programs

Sec. 351.

Yes 22. Research programs

Sec. 2505(6).

Yes 23. Institutes

Sec. 85.

Yes 24. Other established procedures
Sections cited under Part III, supra.

State: Louisiana

PART IV (Cont'd.)

Topics 2 and 5:

Secs. 2505(6), (7), and (8) (1961 Pocket Part), quoted under Part III, supra, appear to provide authority for these functions.

Topic 3:

Sec. 7 provides that the state board of education "shall prepare courses of study."

(The Constitution, 1921, art 12, § 6 gives the board supervision and control of all free public schools.)

Secs. 261 through 268 set forth certain required subjects of study, such as the Constitution of the United States, evil effects of alcohol and narcotics, military science and tactics (to male pupils), etc..

Sec. 417 requires that "teachers shall faithfully enforce the school courses of study and the regulations prescribed in pursuance of law."

Sec. 13 requires that the state superintendent of education shall see that the "courses of study prescribed by the state board of education are faithfully followed."

Topic 4:

Sec. 13. requires the state superintendent of education to "keep in close touch with ... all the public schools of the various parishes with the view of seeing .... that wise methods are used in the presentation of the subject matter; and in all other ways possible, assist the local authorities, superintendents, and teachers to secure the best possible results from their efforts. ... In the professional administration of the schools, ... it shall be the duty of the heads of the various state educational institutions and of the public school officials in the various parishes to be guided, as far as practicable, by the suggestions and directions of the state superintendent."

Also, see Sec. 2505(8) quoted above under Part III.

Topic 6:

Sec. 2505 (2), (3), and (4), quoted under Part III appears pertinent.

Topics 7, 12 and 15:

In the absence of specific references, it would appear that the duty of the Louisiana Educational Televi sion Commission to "Serve in an advisory capacity on all matters pertaining to the development of educational televisionin Louisi ana" (Sec. 2505 (8)), together with the appearance of

State: Louisiana

PART IV (Cont'd.)

two representatives from the State Board of Education and two representatives from the State Department of Education (Sec. 2502) on the commission, would provide authority for these functions.

In addition, see Sec. 13, cited under Topic 4, supra.

Topic 8:

Sec. 7 providesthat "the state board of education shall exercise administrative control and supervision over the adoption, distribution, and use of free textbooks.... The state board of education shall adopt lists of basal textbooks. In its administration of textbook regulations, the said state board shall enforce uniform use of the books from the adopted lists."

Topic 9:

Sec. 7 also provides: "All contracts with publishers shall be awarded on a competitive basis. ... The mode of procedure for the announcement of bids, examining books, and awarding contracts shall be under the control ofthe state board of education. Publishers shall maintain a depository in the state and distribute books to the several parish school boards on requisition of the state superintendent of education."

Sec. 352 provides: "The state board of education shall distribute these school books and school supplies for school children free of cost to such children."

Topic 10:

Sec. 88 provides that the various parish school boards throughout the state shall adopt annually a budget of expected revenues and probable expenditures for the ensuing year, listed on forms and in the manner prescribed by the state budget committee, composed of the governor, the state superintendent of education, and the state treasurer. State budget committee has authority over the parish school board budgets and may revise or amend same.

Sec. 89 provides that, after the budget hasbeen adopted according to the prescribed form, parish school boards may borrow and execute notes for loans x to be secured by expected revenues for the year - but not in an amount equal to more than one-half of the expected revenue receipts for current operation. Parish school boards may not make budgets, expenditures, or disbursements, for current, or other expenses in excess of the revenues shown in the budget for that year.

Sec. 98 provides that whenever the taxpayers of any parish or school district, acting under authority of Section 10 of Article X of the Constitution of Louisiana for the year 1921, vote a special tax to run for a period of not

State: Louisiana

PART IV (Cont'd.)

to exceed 10 years, for the purpose of constructing or improving school houses, the school board of such parish or school district may borrow the amount of the anticipated tax for a period not to exceed ten years and issue certificates of indebtedness with an interest not to exceed six per cent.

Sec. 351 provides that the ■ "severance tax fund of the state shall be devoted after allowing funds and appropriations as provided by the constitution,first, to supplyingschool books, and second, to supplying school supplies, such as library books, pencils, pencil paper, ink paper, pens, ink, and the like to the school children ofthe State of Louisiana."

Topic 11:

Sec. 91 requires the parish superintendents of schools to visit each school in the parish and "faithfully carry out the requirements of the state school laws and the rules and regulations made for the schools by the state board of education." Parish superintendents are to make quarterly reports to their respective parish school boards upon the condition of the schools under their supervision.

Topic 13:

Sec. 2751 (1961 Pocket Part) would seem to provide authority for this function. "The State Board of Education, the Louisiana State University Board of Supervisors and the State Department of Education, through the State Superintendent of Education, are hereby given authority to build equipment, rent, purchase and take such steps asare necessary for the establishment and maintenance of educational television facilities in the state of Louisiana."

Topic 14:

Sec. 411 provides, in part: "The state board of education shall prescribe the qualifications and provide for the certification of the teachers of elementary, secondary, trade, normal and collegiate schools."

Sec. 413 provides that no person shall be appointed to teach without a written contract for the scholastic year in which the teaching isto be done. "Every teacher shall hold a certificate of a grade sufficiently high to meet the requirements of his position. Parish superintendents of schools shall ascertain definitely, before contracting with a teacher, that the teacher holds a certificate issued by the state board of education.

Topic 16:

No specific reference could be found to authority for accrediting schools. Conceivably, Section 7, which provides that the "state board of education

State: Louisiana

PART IV (Cont'd.)

shall prepare ... rules, by-laws, andregulations for the government of the public schools of the state, which shall be enforced by the parish superintendents and the several parish school boards," could be considered authority for this function.

Topic 17:

In general Sec. 2505 (6), (7), and (8) (1961 Pocket Part), quoted under Part III, supra, could provide authority for this function.

Sec. 98 provides for a special schoolhouse tax, which could provide the financial means required. It reads: "Whenever the taxpayers of any parish or school district, acting under authority of Section 10 of Article X of the Constitution of Louisiana for the year of 1921, vote a special tax to run for a period not to exceed ten years, for the purpose of constructing or improving school houses, the school board of such parish or school district may borrow the amount of the anticipated tax for a period not to exceed ten years and issue certificates of indebtedness bearing interest at the rate not exceeding six per cent per annum, and dedicating the avails of the tax voted for the period of the time the tax is to run."

Topic 18:

Sec. 8 provides: "The state board of education may receive and use for public school purposes any federal or other funds from out-of-state sources which in the judgment of the board should be accepted and can be wisely used, as well as any donations from residents of the state which may become available for public school purposes."

/The compiler's note following this section states: "Const. 1921, art. 12, § 8 gives the legislature power to prescribe the terms under which funds offered for educational purposes shall be received and disbursed."/

Topic 19:

Sec. 14 provides that the state superintendent of education shall transmit to the parish school boards monthly warrants on the state auditor covering the amount of the state school fund due the parish school boards, on the basis that the number of educable children between the ages ofsix and eighteen years of age in the respective parishes bears to the total number of such educable children in the state. The warrants are made payable to the treasurer ofthe variousparish school boards and transmitted to them.

/Note: "Const. art. 12, § 14, provides for a distribution to the several parish school boards of three-fourths of the state public school fund upon an apportionment based upon the number

State: Louisiana

PART IV (Cont'd.)

of educable children in each parish with reference to the total number of such children in the state; and for the distribution of one-fourth ofthe fund to the parish school boards on the basis of equalization."7

Topic 20:

Sec. 8 is applicable. It is quoted under Topic 18, above.

Sec. 381 provides: "The state board of education and the several parish school boards may ... accept and administer any donation that may be made to them for educational or literary purposes."

Also, see Secs. 2505(5) and 2752 (1961 Pocket Part), quoted under Part III, supra.

Topic 21:

Sec. 351, referring to use ofthe severance tax fund of the state for supplying school supplies, "such as library books ..."to school children, is the only reference found in this volume. Search of the Index indicates laws relating to libraries would be found under Title 25, "Libraries and Museums."

Topic 22:

Sec. 2505(6) (1961 Pocket Part, quoted under Part III, supra, contains authority for this function.

Topic 23:

~~institutes~~
Sec. 85 provides: "The parish school boards sh ll provide for and donduct such teachers' institutes as they may deem necessary, and the state board of education shall adopt annually suitable professional books for use in the institute wnk, shall prepare rules and regulations for the government ofthe institutes, and do everything possible for the benefit and improvement of the teachers engaged in public school work."

Topic 24:

See sections quoted under Part III, above.

MAINE (1959-60)

Enrollment in full-time public schools:	
Elementary	151,856
High School	43,469
Number of school districts (including non-operating)	461
Number of elementary schools	1,006
Number of high schools (including junior high)	178
Expenditure per pupil in average daily attendance	$283

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960, OE-20006-60, pp. 6-7, 9, 11.

MAINE

Supervisory Union, Administrative, and Independent School Superintendencies

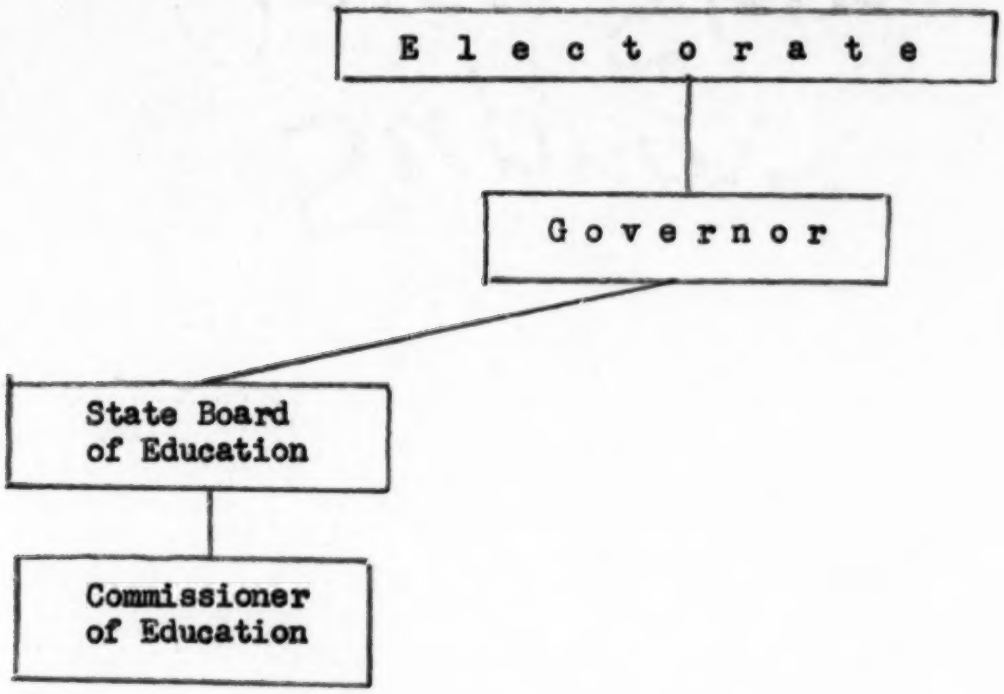
There are 121 school superintendencies in the State: 92 supervisory union, 16 administrative, and 13 independent city superintendencies. There are no county school superintendents in the State. The general administration of public schools is under the supervision of a supervisory union, administrative, or independent city superintendent. In this State, two or more towns combine to form union superintendencies, each of which employs a superintendent who has jurisdiction over all schools in the union.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2 OE-20005-61, p. 89.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 81-82.

M A I N E

1. State Educational Structure Chart(relating only to elementary and secondary public schools)



2. State Education Boards

a. Schools...

State Board of Education.--Consists of 10 members appointed by the governor with the advice and consent of the council. (The council is a constitutional agency consisting of 7 persons who are citizens of the United States and residents of the State of Maine. Councilors are chosen annually for concurrent 2-year terms by the joint ballot of the senate and house in convention. Not more than 1 is selected from any district prescribed for the election of senators. The council may be called together at the discretion of the governor to assist him in ordering and directing the affairs of State.) Five of the appointed members of the board of education represent the following groups and organizations who, in accordance with their particular by-laws or policies, submit 1 name each--in no case that of the active president of the group--to the governor; 1 for the liberal arts and teachers colleges of the State, 1 for the Maine municipal association, 1 for the Maine superintendents association, 1 for the Maine congress of parents and teachers, and 1 for the Maine teachers association. The 5 remaining members are appointed from the State at large. All members are appointed to serve overlapping 5-year terms, 2 being appointed each year with 1 representing each of the above groups in accordance with the originally planned ascendancy and 1 representing the State at large.

b. Supplementary programs

Maine School Building Authority (administrative).--Consists of 7 members including the governor, the commissioner of education, 1 member of the committee on education appointed by the president of the senate, 1 member of the State board of education appointed by the governor--all of whom serve during their incumbency in said offices--and 3 members at large appointed by the governor for overlapping 5-year terms. The commissioner of education is chairman of the authority which is authorized to construct, acquire, alter, or improve public school buildings; to issue revenue bonds of the authority payable from rentals to finance such buildings; and, when paid for by said rentals, to convey them to the lessee towns.

3. Chief State School Officer

The State board of education appoints the commissioner of education who is executive officer and ex officio secretary of the board.

7. Coordination of the State Education System Through Structure

The State board of education is responsible for the coordination of the public program of elementary and secondary education....

8. Coordination of the State Education System Through Ex Officio Memberships

The governor is an ex officio member of the Maine school building authority.

The commissioner of education is.....and chairman of the Maine school building authority.

9. Fiscal Coordination

Three State educational agencies transmit budgets to the State budget officer, the State board of education.....

The governor and the governor-elect, with the assistance of the State budget officer, review these budgets and alter, revise, increase, or decrease the items as deemed necessary. An advisory committee on budgets, composed of 3 members of the legislature, advises with the governor or governor-elect on each budget, but final responsibility for the estimates recommended to the legislature rests with the governor. Representatives of these educational agencies have an opportunity to substantiate their budgets before the governor and his advisory committee. These budgets are then incorporated into the governor's budget. Each member of the legislature receives a printed copy of the governor's budget, including his budget message.

State: Maine

Source of information unless otherwise stated: State of Maine Laws Relating to Public Schools, Chapter 41, Revised States 1954, as amended, 1961

PART I

Educational Organization

State level:

Department of Education: called Department of Education, Sec. 1, Chapt. 41

how organized:

established by:

is it a body corporate: no

State Board of Education: called State Board of Education

established by: Sec. 1, Chapt. 41

is it a body corporate: No

composition: 10 members, Sec. 2, Chapt. 41

how selected: appointed by Governor, ibid.

is confirmation necessary: with advice and consent of the Council, ibid

subject to what control: Governor and Council, ibid.

to whom reporting: biennially to Governor, Sec. 6, Chapt. 41

term of office: 5 years, Sec. 2, Chapt. 41

Chief state school officer: called Commissioner of Education, Sec. 1, Chapt. 41

office established by: Sec. 1, Chapt. 41

how selected: Chosen by Board of Education, ibid.

is confirmation necessary: no

subject to what control:

to whom reporting: State Board of Education, Sec. 11, Chapt. 41

term of office:

staff and who appoints: by Board upon nomination by the Commissioner, ibid.

Other organization or official: called Commissioner may appoint supervisors, Sec. 13, Chapt. 41

State: Maine

PART I

Educational Organization (continued)

Intermediate level:

Organizational unit: called School District Commission, Sec. 111-A, Chapt. 41

how organized: Se. 111-B, Chapt. 41

composition: 5 members, one of whom shall be Commissioner of Education, ibid.

is it a body corporate: no

Board of education, if any: called

established by:

is it a body corporate:

composition:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

Administrative officer of unit: called

office established by:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: Maine

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called School Administrative District, Sec. 111-E

how organized:

composition:

is it a body corporate: Yes, Sec. 111-F

Board of education: called Board of School Directors

established by: Sec. 111-I

is it a body corporate: School Admin. District is, see above.

composition: 5 to 18 members, to be determined within the School Admin. District, Sec. 111-I

how selected: election, Sec. 111-J

is confirmation necessary:

subject to what control:

to whom reporting:

term of office: from 1 to 6 years determined by Sec. 111-J

Administrative officer of unit: called Superintendent of Schools

office established by: Sec. 111-Q

how selected: by majority vote of full membership of Board of School Directors, ibid.

is confirmation necessary: No

subject to what control:

to whom reporting:

term of office: not more than 5 years, Sec. 79.

staff and who appoints:

State: Maine

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Community School District, Sec. 112

how organized:

composition: 2 or more towns, Sec. 112

is it a body corporate: Yes, Sec. 112

Board of education: called Board of Trustees, Sec. 114

established by: Sec. 114

is it a body corporate: District is, see above.

composition:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

Administrative officer of unit: called Superintendent of Schools, Sec. 120

office established by: Sec. 120

how selected: Selected in same manner as other superintendents, Sec. 120

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: Maine

PART I

Educational Organization (continued)

Schools

Principals

appointed by:

qualifications:

term of office:

Teachers

appointed by: superintendent of schools, Sec. 87-III

qualifications:

certification:

tenure:

special assignments:

STATE: Maine

Source of information unless otherwise stated: Chapter 41, Maine Revised Statutes of 1954, as amended, 1961.

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsuquent categories.)

Among the duties of the Commissioner listed in section 11 are exercising the general supervision of all the public schools, advising and directing town committees and superintendents, obtain information on other school systems so that it may be used to awaken an interest in the work on the part of the teachers, to have the schools inspected, and to rate them. The Commissioner is also authorized to appoint supervisors to assist and direct teachers, work with school officials, and such other duties as he may direct. This is found in section 13.

Superintending School Committees and School Directors are directed by section 54 to direct the general course of instruction.

The School Superintendents, as Secretary ex-officio of a Superintending School Committee or Board of Directors, is only permitted to perform those duties which the particular administrative unit directs, if not otherwise listed. Section 87 lists the examination of schools and the distribution of supplies.

In describing the duties of Trustees, section 114 states; "All the affairs of said district, except election of teachers who shall serve in said school schools and the fixing of their salaries, the courses of study, the terms of school and other matters pertaining to the education of pupils, which matters whall be controlled by a community school committee hereinafter provided for, shall be managed by said board of trustees."

STATE: MAINE

Source of information unless otherwise stated: Chapter 41, Maine's Revised Statutes of 1954, as amended, 1961.

PART III

Legal Authority Relating Specifically to AV Media and Their Use

The State of Maine has no law which specifically relates to AV Media.

State: MAINE

Source of information unless otherwise stated: _____

_____

_____

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject.
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Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes 2. Planning the use of AV aids
Section 114 (See Part II)

Yes 3. Preparing curricula
Sections 11, 102 and 54

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available
Sections 11 subpart III, 87 subpart VI.

Yes 5. Organizing AV units and cooperative activities
Section 11 subpart IV

Yes 6. Conferring on AV use outside of State educational structure
Sections 11 and 11-F

State: MAINE

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)
Section 114 (See Part II)

Yes 8. Selecting textbooks (and observing academic freedom)
Sections 34, 35, 54, and 87

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks
Sections 34 and 87

Yes 10. Financing acquisition by rent or purchase
Sections 34, 87 and subpart VIII.

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel
Section 114 (See Part II)

Yes 12. Distributing AV aids
Section 114 (See Part II)

Yes 13. Producing AV aids
Section 114 (See Part II)

Yes 14. Certificating teachers and AV professionals
Sections 184, 186, and 86

Yes 15. Prescribing qualifications of using personnel
Section 114 (See Part II)

State: MAINE

PART IV (continued)

Yes or No

Yes 16. Accrediting schools
Sections 98, 11 subpart XII, 100, 87 subpart III.

Yes 17. Building or remodeling schools to facilitate AV use
Sections 54, 168, 34

Yes 18. Federal aid to schools
Sections 11-C and 11-F

Yes 19. State aid to schools
Sections 235, 237-E, 237-C, 237-G, 237-O.

Yes 20. Private aid to schools
Sections 11 subpart IX and 176

No 21. Library programs

No 22. Research programs

Yes 23. Institutes
Sections 155 and 156

_____ 24. Other established procedures

STATE: MAINE

PART IV (Cont.)

Section 114 is quoted in Part II. It appears to be a general reservoir of powers for the Board of Trustees. These powers in the field of AV Media may very well be exercised by this local agency. Furthermore, the language of section 114 does not indicate any limitation by a supervisory body.

Once the Commissioner prescribes the course of study to be taught in the public schools pursuant to his authority in section 11, subpart VII, the Superintendent is directed to direct that course by section 54. Section 102 describes the course of study to be taught in the free high schools of the State.

The Commissioner, according to section 11 is to disseminate information with practical hints upon the conduct of schools, improved systems of instruction, suggestions and directions concerning management and methods. The Superintendents are authorized to direct and supervise the work of all teachers, as stated in section 87, subpart VI.

Although the School Laws say nothing specifically about A-V Aids, section 11, subpartIV, directs the Commissioner to encourage the formation of County Teachers' Associations.

Section 11, subpart II directs the Commissioner to obtain information as to school systems of other states. When he decides that it would be beneficial, the State Department, as a State agency, may join educational organizations. This language is found in section 11-F.

Administrative units, Superintending School Committees or Boards of Directors, are directed by section 34 to provide "schoolbooks, apparatus and appliances for the use of pupils in public schools, including all free high schools, at the expense of said administrative unit..." The School Committees are also authorized to approve a uniform system of textbooks, pursuant to section 54, and make those rules and regulations deemed proper for the distribution of the textbooks, according to section 35. The Superintendent is directed by section 87, subpart VII to select textbooks, supplies, and apparatus subject to the approval of the Superintending School Committee. He is also told to make all purchases pursuant to their regulations. After this he is to see that all necessary supplies and apparatus are distributed.

Section 186 states that before a teacher will be employed, they must have a State Certificate. The rules and regulations for teacher certificates are authorized by both this section and section 86. It is the Commissioner who makes those rules. He also signs the certificates according to section 184.

The Commissioner is directed by section 11, subpart XII to cause school inspections to be made and to report to the Board his findings.

STATE: MAINE

PART IV (Cont.)

This same section directs the Commissioner to prepare a list of standards for buildings, equipment, organization and instruction. Then he is to give ratings. Section 100 is more limited in scope. Only the Secondary Schools receiving State aid are to be inspected under the direction of the Commissioner. He is to determine what schools are included in the classification of section 98. That last section lists a number of criteria, which pertain only to the approval and accreditation of Secondary Schools, those grades above the seventh.

The Superintending School Committee or Board of Directors manage the schools including repairs of all school property pursuant to their authority in section 54. Section 168 authorizes the Commissioner to use the Unorganized Territory School Fund for erection, equipment, major repair, and remodeling of school buildings in Unorganized Territories. Generally the repairs of school buildings are administered by the administrative units pursuant to section 34.

The State Board of Education is designated by section 11-C as the sole agency for administering funds allotted under any federal act providing for financial assistance in the construction of school facilities. Section 11-E also authorizes the State Board to estimate matching funds and include them in the budget.

The Permanent School Fund is described by section 235. The Foundation Program is included in section 237-E. The Foundation Program is defined by section 237-C as a minimum program to equalize educational opportunities. The Foundation Program allowance for each administrative unit, except community school districts, is determined according to the procedure outlined in section 237-D. The Supplemental Aid Program for reorganized districts is outlined in section 237-G.

Section 176 permits the State Treasurer to accept gifts, bequests and other funds. The Commissioner's duties also include the control and management of all free public schools established and maintained by gifts or bequests, when so conditioned. This language is in section 11 subpart IX.

MARYLAND (1959-60)

Enrollment in full-time public schools:

Elementary	457,975
High School	138,400
Number of school districts (including non-operating)	24
Number of elementary schools	810
Number of high schools (including junior high)	258
Expenditure per pupil in average daily attendance	$393

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960, OE-20006-60, pp. 6-7, 9, 11.

MARYLAND

County and Independent Superintendencies

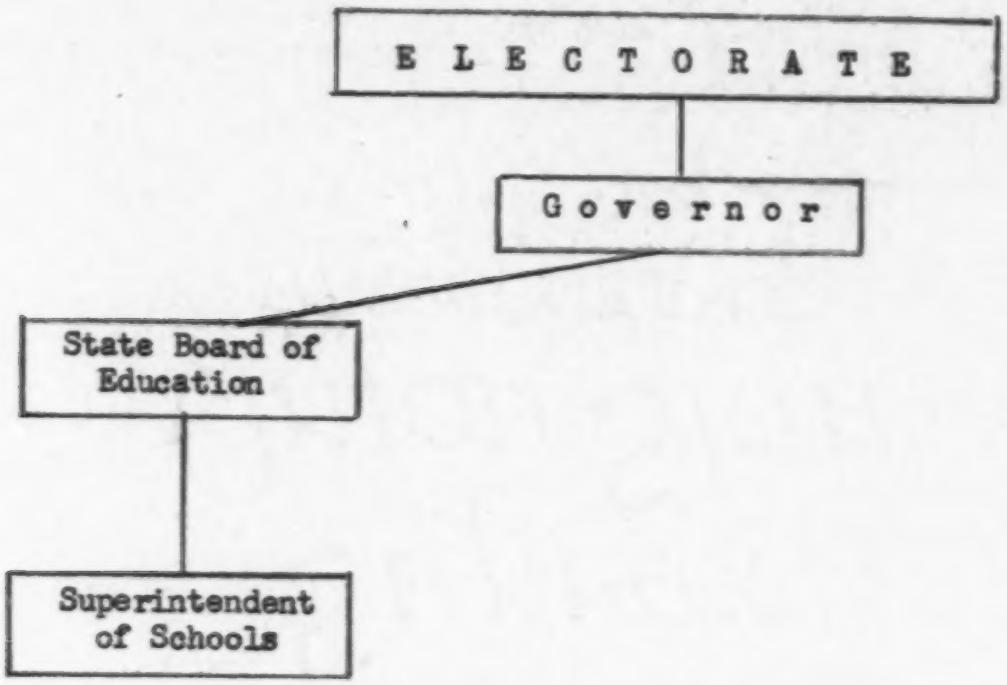
The State has a complete county-unit school system except for the city of Baltimore, which has its own independent school system. Therefore, there are 23 county-unit superintendencies and one independent school superintendency in the State. All other public schools in cities and towns in Maryland are under the supervision of the superintendent of schools of the county in which they are located.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 91.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 83-84.

M A R Y L A N D

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

a. Schools....

State Board of Education.--Composed of 7 members appointed by the governor from among the citizens of the State for overlapping 7-year terms. Members are appointed solely because of their character and fitness, but no person is selected who is in any way subject to the board's authority.

3. Chief State School Officer

The superintendent of schools is appointed by the State board of education for a 4-year term. He must be a graduate of a standard college, have not less than 2 years of special academic and professional graduate preparation in a standard university, and have not less than 7 years' experience in teaching and administration. He is to be an experienced and competent educator.

7. Coordination of the State Education System Through Structure

The State board of education is responsible for the coordination of the State program of public elementary and secondary education....

9. Fiscal Coordination

Four State education agencies submit budgets to the director of budget and procurement--the State board of eduction....

9. Fiscal Coordination - continued

The director of budget and procurement under the direction of the governor may eliminate or reduce specific items in the budgets of the State educational agencies unless otherwise required by law, or he may reduce the total amount of the budgets and request the agencies responsible to make specific item reductions. The governor, as a consequence of these fiscal powers, has extensive coordinative authority over the State program of public education.

State: Maryland

Source of information unless otherwise stated: The Public School Laws of Maryland, reprinted from Annotated Code of Maryland, 1957 and 1958 Supplement, Article 77 - Public Education.

PART I

Educational Organization

State level:

Department of Education: called State Department of Education, Sec. 2

how organized:

established by: Sec. 2

is it a body corporate: No

State Board of Education: called State Board of Education, Sec. 2

established by: Sec. 2

is it a body corporate: No

composition: 7 members, Sec. 5

how selected: appointed by Governor, ibid.

is confirmation necessary: No

subject to what control: Governor

to whom reporting: Governor

term of office: 7 years, Sec. 5

Chief state school officer: called State Superintendent of Schools, Sec. 20

office established by: Sec. 20

how selected: Appointed by State Board of Education, Sec. 37.

is confirmation necessary: No

subject to what control: State Board of Education, Sec. 45

to whom reporting: State Board of Education, Sec. 47

term of office: 4 years, Sec. 37

staff and who appoints: recommends to State Board of Education, Sec.45.

Other organization or official: called

State: Maryland

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called County (in State-wide county unit system, excluding City of Baltimore)

how organized: Sec. 51

composition: County area, Sec. 51

is it a body corporate: not for school purposes. The County Board is, Sec. 50.

Board of education: called County Board of Education, Sec. 3

established by: Sec. 3

is it a body corporate: Yes, Sec. 50

composition: Varies among counties from 5 to 7 members, Sections 6-17A

how selected: Appointed by Governor, except for Montgomery County where board is elected, Sections 6-17A

is confirmation necessary: Only in Talbot County, Sec. 17A

subject to what control: State Board of Education, Sec. 54.

to whom reporting: State Board of Education

term of office: Varies among counties from 4 to 6 years, Sections 6-17A

Administrative officer of unit: called County Superintendent of Schools

office established by: Sec. 148

how selected: Appointed by county board of education, Sec. 148

is confirmation necessary: No

subject to what control: County board of education, Sec. 148

to whom reporting: County board of education, Sec. 148

term of office: 4 years, Sec. 148

staff and who appoints: Nominated by county superintendent for appointment by county board of education, Sec. 159.

State: Maryland

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called (subordinate) disteict within all counties

how organized:

composition:

is it a body corporate: no, since it is a component of a county district which is a corporation, Sec. 50.

Board of education: called District Board of School Trustees

established by: Sec. 18

is it a body corporate: not stated, but obviously not

composition: 3 members from district, Sec. 18

how selected: by county board, Sec. 18

is confirmation necessary: no

subject to what control: county board, Sec. 18

to whom reporting: county board, Sec. 76

term of office: 3 years - one elected annually, Sec. 18

Administrative officer of unit: called none provided specifically, but under Sec. 76 the principal teacher of the school district

office established by: shall be the secretary of the board, attending all meetings, conducting

how selected: correspondence, keeping minutes, and preparing reports required. He ob-

is confirmation necessary: viously is under some control of the district board, but the county board

subject to what control: appoints him, upon recommendation of the county superintendent, subject to

to whom reporting: power of the district board to refuse to accept appointee, Sec. 64.

term of office:

staff and who appoints:

State: Maryland

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called City of Baltimore*

how organized: Corporation limits of Baltimore City, Sec. 202

composition:

is it a body corporate: The city is but there is no indication that the school district is a separate corporation

Board of education: called Board of Commissioners of Public Schools of Baltimore City **

established by: Sec. 202, 203

is it a body corporate: no provision (see note below)

composition:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting: mayor and city council, Sec. 202
State board of education, Sec. 203

term of office:

Administrative officer of unit: called no provision (see note)
annotation to Sec. 202 reads in part as follows:

office established by: Nowhere in this article is method for appointment of School Commissioners in Baltimore City designated. This section gives to city whole of State's power over public schools in city (subject, of course, to State's right or repeal), and does not take from city any power it previously had concerning method of appointing School Commissioners. Hooper v. New, 85 Md. 565, 37 A. 424; Baltimore v. Weatherby, 52 Md. 442.

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

* Unlike the county unit, the city of Baltimore operates a free public school system apart from the State school system.

** The public school laws make no provision for the composition or selection of the board of commissioners. There is also no provision for an administrative officer.

State: Maryland

PART I

Educational Organization (continued)

Schools

Principals Appointed by County Board

appointed by: Appointed by County Board of Education, on written recommendation of county superintendent, Sec. 64

qualifications: Must be certified, Sec. 99

term of office:

Teachers

appointed by: Appointed by County Board of Education, on written recommendation of county superintendent, Sec. 64

qualifications: Must hold certificate, Sec. 99

certification: Sec. 101

tenure: Contract on year-to-year basis, Bylaw 14.

special assignments:

State: Marylard

Source of information unless otherwise stated: The Public School Laws of Maryland, reprinted from Annotated Code of Maryland, 1957 and 1958 Supplement, Article 77 - Public Education.

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

Sec. 2. Educational matters affecting the State and the general care and supervision of public education shall be entrusted to a State Department of Education, at the head of which shall be a State Board of Education.

State Level - Board of Education

The State Board of Education shall: Sec. 21 - shall determine the educational policies of the State and enact by-laws for the administration of these policies. These by-laws have force and effect of law.....The State Board shall explain the true intent and meaning of the law, and they shall decide all controversies and disputes that arise under it.....

Sec. 22 - Shall exercise, through the State Superintendent of Schools general control and supervision over the public schools and educational interest of the State. The State Board shall consult with and advise through the State Superintendent county boards of education, boards of district school trustees, county superintendents, supervisors, attendance officers, principals, teachers and interested citizens, and shall seek in every way to direct and develop public sentiment in support of public education.

Sec. 23 - Shall prescribe, with and on the advice of the State Superintendent, rules and regulations for school buildings; and Sec. 24 - the rules and regulations for grading and standardizing all public schools.

Sec. 26 - Shall prescribe, with and on the advice of the State Superintendent, courses of study for the public elementary schools and the public high schools.....

Sec. 27 - Shall prescribe, with and on the advice of the State Superintendent, rules and regulations, also the subjects and the standards, subject to Secs. 99, 100 and 101, for the certification of all the teachers of the State and for acceptance of diplomas.....

State: Maryland

PART II - continued (2)

Sec. 32 - Shall conduct, with and on the advice of the State Superintendent, investigations relating to the educational needs of the State and the means of improving educational conditions; they may employ additional expert assistance for such investigations and special work.

Sec. 33 - Shall transmit biennially to the Governor, certified to by the State Superintendent, an annual State public school budget.....

It shall also be the duty of the State Board, on and with the advice of the State Superintendent, to prepare bills and to recommend the same to the Governor and the General Assembly, providing for changes in the appropriation of special educational purposes and activities and in the total amount raised and contributed by the State for the encouragement and support of public education.

Sec. 34 - Shall submit an annual report to the Governor covering operations of the Board including progress and needs of education.

Sec. 35 - Shall consider the educational needs of the State, and on and with the advice of the State Superintendent of Schools, to recommend to the Governor and to the General Assembly, such additional legislation, or changes in existing legislation, as may be deemed desirable.

State Level - Superintendent of Schools

The State Superintendent: Sec. 38 - Shall enforce the State school laws and the by-laws of the State Board. He has the power to withhold any appropriations (all or part) from the General School Fund to county school boards for any violation of these laws.

Sec. 39 - Shall execute the educational policies of the State Board. He shall call and conduct conferences of county school boards, district school trustees, county superintendents, supervisors, attendance officers and teachers, on matters related to the condition, needs and improvement of the schools. He shall prepare and publish such pamphlets as will stimulate public interest, promote the work of education, and foster in teachers professional insight and efficiency. He shall also examine reports from county boards required under the rules and regulations set down by the State Board.

Sec. 40 - Shall, subject to the rules and regulations of the State Board (Sec. 23), pass upon all proposals for the purchase of ground, school sites or buildings, or for the sale of same, and also upon all plans and specifications for the remodeling of old school buildings or the construction of new school buildings costing $300 or more.....

Sec. 41 - Shall certificate, subject to the rules and regulations of the State Board (Sec. 27) and the provisions of Secs. 99, 100 and 101, all teachers in the public schools of the State.

State: Maryland

PART II - continued (3)

Sec. 42 - Shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board (Sec. 26), courses of study for the different grades of elementary schools, high schools, and also college courses for teachers.

Sec. 44 (see Part III) - Shall furnish by means of AV aids, additional facilities for instruction in certain subjects.

Sec. 45 - Acting under the rules and regulations of the State Board, shall be responsible for the administration of the State Department of Education.....

Sec. 47 - Shall submit an annual report to the State Board.

State Level - Assistants to State Department of Education

Sec. 46 - (1) Assistant State Superintendent - shall represent State Superintendent in his absence. He shall have charge of the office of the Department and audit accounts of the county boards.

(2) Supervisor of High Schools - he shall have supervision of State-aided high schools, shall aid the instructors in all other schools above the seventh grade and shall perform other duties assigned to him by the State Superintendent.

State Level - Division of Library Extension

Sec. 180 - Powers and duties -

(a) To develop State-wide public and school library services.

(b) To provide a direct service of books, pamphlets, clippings, and visual materials, and guidance in their use, to individuals, groups and schools.

(c) To provide a supplementary service of books, pamphlets, clippings, reading courses and visual materials for the libraries of the State;

(e) To compile statistics and other facts on the status of libraries and to prepare and publish reports.

(f) To coordinate library services and educational services.

(g) To cooperate with library agencies of other States and with national library agencies.

(h) To give professional advice and assistance to all county libraries and all other public libraries.

(i) To establish professional standards for county or other public libraries.

State: Maryland

PART II - continued (4)

County Level - County Board of Education

Sec. 3 - Educational matters affecting a county shall be under the control of a county board of education.

Sec. 50 - They are corporate bodies and are capable to sue and be sued, to use and to have a common seal, and the same at their pleasure to alter or break, and to exercise all the powers and privileges hereby granted or vested to them.

Sec. 51 - The county boards of education are authorized, empowered, directed and required to maintain a uniform and effective system of public schools throughout their respective counties.

Real and personal estate granted, conveyed, devised or bequeathed for the use of any particular county or school district shall be held in trust by the county board of education for the benefit of such county or school district.

Subject to law and to the by-laws, and the policies of the State Board, the county board of education (Sec. 54):shall determine, with and on the advice of the county superintendent, the educational policies of the county and shall prescribe rules and regulations for the conduct and management.

Sec. 55 - Shall exercise, through the county superintendent control and supervision over the public school system of the county. Shall consult and advise, through the county superintendent, with the boards of district trustees, principals, teachers, and interested citizens, and shall seek in every way to promote the interests of the schools under their jurisdiction.

Sec. 56 - Shall divide the county into appropriate school districts .....shall locate and maintain schools therein.

They are authorized and empowered with the approval of the State Superintendent of Schools, to purchase grounds, school sites or buildings, or to sell same, to rent, repair, improve and construct school buildings, or approve contracts for so doing, if they comply with Sec. 40.

Sec. 57 - Shall receive donations of school grounds, school sites or houses.....

Sec. 58 - Shall acquire land by eminent domain.

Sec. 61 - Shall consolidate schools wherever in their judgment it is practicable.

Sec. 62 - Shall purchase and distribute, on the written recommendation of the county superintendent, textbooks, supplementary reading materials of instruction, stationery and school supplies, school furniture, equipment and apparatus needed by the schools under their jurisdiction.

State: Maryland

PART II - continued (5)

Sec. 63 (see Part III) - Shall furnish, by means of AV aids, additional facilities for instruction in certain subjects.

Sec. 64 - Shall appoint, on the written recommendation of the county superintendent, all principals and assistant teachers..... They may suspend or dismiss any teacher so appointed.

Sec. 65 - Subject to Sec. 26, shall prescribe, on the written recommendation of the county superintendent, courses of study for the schools under their jurisdiction.....

Sec. 66 - Subject to Sec. 24, shall, on the written recommendation of the county superintendent, grade and standardize all the schools under their jurisdiction.

Sec. 68 - Each year, shall prepare, subject to the rules and regulations of the State Board and on and with the advice of the county superintendent, an itemized and detailed school budget.....This annual school budget shall be submitted to the board of county commissioners and the State Superintendent.....

Sec. 71 - Shall make all reports required by the State Board and State Superintendent, and shall cause to be prepared an annual report addressed to the people of the county covering the condition, accomplishments and needs for the improvement of the schools.....

City of Baltimore

Sec. 202 provides that the mayor and city council of Baltimore shall have full power and authority to establish in said city a system of free public schools....., under such rules and regulations as they may deem fit and proper to enact and prescribe; they may delegate supervisory powers and control to a Board of School Commissioners; may prescribe rules for building schoolhouses, and locating, establishing and closing schools, and may in general do every act that may be necessary or proper in the premises.

(Sec. 202 gives to the city of Baltimore the whole of the State's power over public schools in the city (subject of course to the State's right of repeal), and does not take from the city any power it previously had concerning method of appointing School Commissioners.)

The Board of Commissioners of Public Schools of Baltimore City

Sec. 203 - This board has supervisory power and control over the public schools of Baltimore City. They have the power to examine, appoint and remove teachers and prescribe the qualifications. They shall have the power to select textbooks for such schools of said city, provided such textbooks shall contain nothing of a sectarian or partisan character.

State: Maryland

PART II - continued (6)

This board shall annually make a report to the State Board of the condition of the schools under their charge, to include a statement of expenditures, the number of children taught, and such other statistical information as may be necessary to exhibit the operation of the schools. (Also see Sec. 71.)

The City of Baltimore, unlike the county units, has its own independent school system subject to the control of the mayor and city council. It is subordinate to State Board in that the Board of Commissioners is required to submit to them an annual report.-

County Level - County Superintendent of Schools

The county superintendent of schools, as the executive officer of the county board of education:

Sec. 149 - Shall see that the laws relating to the schools are carried into effect.

Sec. 150 - Shall explain the true intent and meaning of the school laws. He shall decide all controversies and disputes involving the rules and regulations of the county board.....

Sec. 151 - Shall recommend school buildings for condemnation; he shall recommend all repairs, the purchase of grounds, school sites and buildings, or the sale of the same, and shall prepare or cause to be prepared all plans and specifications for the remodelling of old buildings, and the construction of new buildings subject to Sec. 40. He also has the power to approve or disapprove all contracts entered into by the county board.

Sec. 152 - Shall be the representative of the State Superintendent in all State examinations for teachers' certificates conducted within the county, and shall perform such duties in connection therewith as may be required by the State Superintendent of Schools. He may issue provisional certificates.....

Sec. 153 - Shall nominate, for appointment by the county board, all principals and all assistant teachers, shall assign them to their positions, transfer them and recommend dismissal.

Sec. 154 - Shall organize and attend county and local institutes for teachers and citizens, shall advise teachers as to their further study and professional reading, and assist parents and citizens to acquire a knowledge of the aims and work of the schools.

Sec. 155 - Shall visit the schools, observe the management and instruction and give suggestions for the improvement of the same. He shall advise with principals and teachers, counsel district trustees, and shall labor in every way to awaken public interest and to improve educational conditions within the county.

State: Maryland

PART II - continued (7)

Sec. 156 - Shall grade and standardize, subject to Sec. 24, all the public schools in the county, and shall recommend the same for approval to the county board (Sec. 66).

Sec. 157 - Shall prepare courses of study subject to Secs. 26, 42, for the public schools of the county, and shall recommend the same for adoption by the county board (Sec. 65).

Sec. 158 - Shall prepare lists of such textbooks, supplementary readers, materials of instruction, school supplies, furniture, equipment and apparatus, as are needed by the schools, and shall recommend the purchase and distribution of the same by the county board (Sec. 62).

Sec. 161 - Shall take the initiative in the preparation and presentation of the annual budget, and shall in every way seek to secure adequate funds from the local authorities for the support and development of the public schools of the county.

Sec. 162 - Shall conduct all correspondence, receive all reports from the board of district trustees, principals, and teachers..... He shall prepare all reports required by the State Board and State Superintendent, and report addressed to the people (Sec. 71).

<u>County Level - Board of Library Trustees</u> (Governing body of county libraries)

Sec. 186 - (1) Power and duties --

(b) Make rules and regulations for the use of the library.

(c) Exercise control over library staff.

(d) Supervise the use of all property used for library purposes.

(f) Develop library services throughout the county.

(2) Power to administer the finances of the library including recommendations as to building sites and purchase of real and personal property.

<u>Local Level - District School Trustees</u>

Sec. 4 - Educational matters affecting a school district (within a county) shall be under the <u>care</u> of a district board of school trustees.

1) District School Trustees. The district board of school trustees:

Sec. 76 - Shall have the power to refuse to accept the original assignment of any teacher who is provided for in any school under the board's jurisdiction.

They <u>may</u> visit the schools under their jurisdiction at least once a month and consult with the teachers and principal of the school as to the progress of pupils, condition of the school, the grounds, and give such aid as is in their power for the advancement of said school.

State: Maryland

PART II - continued (7)

Sec. 77 - Shall have the care of the buildings and land connected therewith, and they shall attend to all incidental repairs.

Sec. 78 - Shall seek in every way to develop public sentiment in support of schools.

2) Secretary of District Board (principal teacher of the school district).

Sec. 76 - Shall prepare for adoption all reports required by the county board of education, shall keep all records and accounts required by county board.

State: Maryland

Source of information unless otherwise stated: The Public School Laws of Maryland, issued by Maryland State Department of Education, Baltimore, Maryland, August 1958

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

The following references to audio-visual materials are contained in the Public School Laws of Maryland:

Article 77, Section 44. Visual and auditory aids.

The State Superintendent of Schools is hereby authorized to furnish, by means of visual and auditory aids, additional facilities for instruction in geography, history, science, and other subjects, to the schools, institutions and organizations under the supervision of the State Board of Education. Material collected for this purpose may, under general rules, be lent for a limited time to responsible institutions and organizations for the benefit of artisans, mechanics and other citizens of the several communities of the State. He may from time to time enter into contracts for carrying out this provision.

Article 77, Section 63. Visual and auditory aids.

The county board of education is hereby authorized to furnish, by means of visual and auditory aids, additional facilities for instruction in geography, history, science, and other subjects to the schools under the supervision of the county board of education. They may from time to time enter into contracts necessary for carrying out this provision.

By-law 32, p. 72 - Public School Laws, supra.

This by-law sets forth the required and elective courses for teachers who wish to be accredited to teach in the Maryland public school system. Among the elective courses is a course in audio-visual education.

State: Maryland

PART III - continued (2)

Article 77, Section 180. Division of library extension - powers and duties,

.....

(b) To provide a direct service of books, pamphlets, clippings, and visual materials, and guidance in their use, to individuals, groups, and schools;

(c) To provide a supplementary service of books, pamphlets, clippings, reading courses and visual materials for the libraries of the State;

The Ninety-Fourth Annual Report, of the State Board of Education for the year ending June 30, 1960, contains the following statements on pages 55, 56, and 57:

Page 55 - "Pratt Library shall extend to the State of Maryland through authorized public libraries, State-supported hospital and correctional institutions and to individuals in certain cases as defined by mutual agreement between the Pratt Library and the Department of Education the privilege of borrowing from the collection of the Pratt Library circulating materials, including books, pamphlets, films, duplicate copies of periodicals."

Page 55 - "Public libraries and certain school and college libraries have been supplied by the Enocn Pratt Free Library with supplies of request forms, copies of film catalogs, and current monthly lists of books added, and the pertinent regulations regarding loans of books, films, and other materials. There are special regulations for film use. Borrowing libraries will make their own regulations and procedures to insure maximum use, adequate care, and prompt return of materials."

Page 56 - "During 1959-60, the Division of Library Extension loaned 65,508 books, periodicals and audio-visual materials. Approximately 70 per cent of the loans were made to public libraries to meet requests for additional or specialized material. Juvenile books accounted for 43 per cent of all loans, most of these being bulk loans for extended periods of time. Most of the requests for adult books were for specific materials and were for a one-month period. Audio-visual materials and exhibits accounted for 18 per cent of all loans.

Page 57 - "Publications - 1959 Supplement to Audio-Visual Catalog 1957."

Examination of subsequent enactments through 1961 fails to disclose any statutes dealing specifically with AV.

State: Maryland

Source of information unless otherwise stated: The Public School Laws of Maryland, reprinted from Annotated Code of Maryland, 1957 and 1958 Supplement, Article 77, Public Education.

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject.
Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes 2. Planning the use of AV aids

Secs. 22, 39, 55, 154, 155, 180(b)

Yes 3. Preparing curricula

Secs. 26, 42, 65, 89, 157, 167, 210

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

Secs. 22, 55, 154, 155, 180(a)(b)(h)

Yes 5. Organizing AV units and cooperative activities

See sections cited in Topic #2

Yes 6. Conferring on AV use outside of State educational structure

Secs. 22, 55, 154, 174

State: Maryland

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)

Secs. 44, 63, 158

Yes 8. Selecting textbooks (and observing academic freedom)

Secs. 145, 146, 158, 203

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

Secs. 44, 63, 146, 158

Yes 10. Financing acquisition by rent or purchase

Secs. 62, 68, 146, 158

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel

Secs. 39, 147, 162, 180(3)
By-law 13, p. 54, School Laws, supra

Yes 12. Distributing AV aids

Secs. 44, 62, 63, 158, 147, 146

No 13. Producing AV aids

Yes 14. Certificating teachers and AV professionals

Secs. 27, 41, 100, 152, 203
By-law 32, p. 72, School Laws, supra

Yes 15. Prescribing qualifications of using personnel

Secs. 64, 99, 153, 203

State: Maryland

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

Secs. 24, 66, 156

Yes 17. Building or remodeling schools to facilitate AV use

Secs. 23, 40, 56, 70, 151, 202

Yes 18. Federal aid to schools

Secs. 184, 226

Yes 19. State aid to schools

Secs. 33, 68, 161, 182, 205, 207, 215, 222

Yes 20. Private aid to schools

Sec. 57, 194

Yes 21. Library programs

Secs. 177, 178, 180, 181, 182, 184, 185, 186, 192

Yes 22. Research programs

Sec. 32

Yes 23. Institutes

Secs. 154, 171

Yes 24. Other established procedures

Secs. 39, 174

State: Maryland

PART IV - continued (4)

Topic 2 - Planning the use of AV aids

Sec. 22 gives to the State Board of Education the authority to consult with and advise the subordinate units. Pursuant to this authority the State Superintendent shall call conferences to discuss educational needs. Thus, the overall planning for any program would be initiated from the State level.

Secs.55, 154,155 prescribe the same procedure cited above for the county level. This would facilitate the use of AV aids through local planning agencies.

More specifically, Sec. 180(b) authorizes the division of library extension to provide books, supplies and visual materials, and guidance in their use, to individuals, groups and schools.

Topic 3 - Preparing curricula

Secs. 26 and 42 provide that the State Superintendent, subject to law, shall submit to the State Board courses of study for the different grades, both elementary (Sec. 89) and high school (Sec. 210) also college courses for teachers (Sec. 167). It is the duty of the State Board to adopt those courses that meet with their approval. In other words the State Superintendent prepares the courses of study and the State Board prescribes them.

Secs. 65 and 157 place above duties on a county level on the County Superintendent and County Board. However, their power is restricted by courses prescribed pursuant to Secs. 26 and 42.

Sec. 89 lists specific subjects to be taught in the elementary schools and such others as the State Board of Education may from time to time prescribe.

Topic 4 - Advising subordinate units

Sec. 22 provides that the State Board shall consult with and advise through the State Superintendent county boards, district school trustees, superintendents, principals and teachers. Sec. 55 provides that the county board shall consult with and advise through the county superintendent the district school trustees, principals and teachers. (Also sec. 155)

Sec. 154 provides that the county superintendent shall advise teachers as to their further study and professional reading..... (This section would allow the county superintendent to advise the teachers as to what books and courses would be beneficial in their learning how to use AV equipment.)

Sec. 180(h) grants authority to the division of library extension to advise county libraries on the operation of said libraries. (This would entail advice on use of visual materials provided by said division (see subsecs. (a) and (b) of Sec. 180).)

State: Maryland

PART IV - continued (5)

Topic 6 - Conferring on AV use outside of educational structure

Sec. 22, cited in Topic #4 also provides that the State Board through the State Superintendent shall consult with and advise interested citizens on educational matters. The same duty is placed on the county board by Sec. 55 cited in Topic #4.

Sec.154, cited in Topic #4 also provides that the county superintendent shall assist parents and citizens to acquire a knowledge of aims and work of the schools (probably through meetings such as PTA).

Also see Sec. 174 cited in Topic #24.

Topic 7 - Selecting AV aids

Secs. 44 and 63 (see Part III) provide that the State Board of Education and county board respectively are authorized to furnish by means of AV aids, additional educational facilities. (This would entail the selection of the AV aids to be used.)

Sec. 158 empowers the county superintendent to prepare lists of such.....materials of instruction,.....school supplies, school furniture, equipment and apparatus, as are needed by the schools.....

Sec. 145 and Sec. 203 provide that school books shall contain nothing of a sectarian or partisan character.

Topic 8 - Selecting textbooks

Sec. 146 - the Board of Public School Commissioners of Baltimore City (also see Sec. 203) and each county board of education shall adopt textbooks and supplementary readers for school use. The books adopted are those prepared by the county superintendent (Sec. 158) and approved by the county board.

Sec. 145, and Sec. 203 provide that school books shall contain nothing of a sectarian or partisan character.

Topic 9 - Acquiring AV aids. school supplies, equipment and textbooks

Sec. 146 provides that the county board and Board of School Commissioners of Baltimore City shall furnish textbooks free of charge. (This entails the acquisition of them.) They may also adopt the superintendent's list of school supplies, equipment, furniture, etc. (Sec. 158) and furnish them to the schools in ample supplies (this also entails acquisition). (Also see Secs.44 and 63, Part III.)

Topic 10 - Financing Acquisition

Sec. 158 provides that the county superintendent shall recommend the purchase.....of textbooks, equipment, supplies, etc. by the county board pursuant to their power under Sec. 146 and Sec. 62.

The county board finances the acquisition of above items by including them in the annual school budget. Sec. 68 provides that the

county board shall prepare an itemized and detailed school budget .....including the amount of money needed for.....the purchasing of textbooks, materials of instruction, and school supplies.....

Topic 11 - Regulating use

Sec. 147 provides that the several county boards shall authorize the delivery of textbooks, supplementary readers, materials of instruction, stationery, and school supplies, and shall provide for the issuing, safekeeping and care of the same under such rules and regulations as they may severally adopt.

By-law 13, p. 54, School Laws, supra - The county board shall prepare rules and regulations for the distribution and care of books furnished to pupils.

Sec. 39 empowers the State Superintendent to keep reports on the activities of the county board in accordance with the rules and regulations laid down by the State Board.

Sec. 162 provides that the county superintendent of schools shall conduct all correspondence, receive all reports from the district trustees (made by Secretary of Board, Sec. 76), principals and teachers, and shall see that all reports are properly made and submitted. He shall make and submit the county report to the State Superintendent on approval of county board. (This system of reporting would allow the State Board to prescribe rules and regulations requiring the county board to keep statistical reports on persons operating the AV equipment.)

Sec. 180(e) authorizes the division of library extension to compile statistics and other facts on libraries and to prepare reports.

Topic 12 - Distributing AV aids

Sec. 158 provides that the county superintendent shall recommend the distribution of textbooks, equipment and supplies by the county board pursuant to Secs. 146 and 62. Sec. 146 requires the county board to furnish textbooks, equipment, and supplies to the schools. (Also see Secs. 44 and 63, Part III.)

Sec. 147 cited in Topic 11, provides for the delivery of above items to the various schools by the county board.

Topic 14 - Certificating teachers

Sec. 27 provides that the State Board shall prescribe rules and regulations for certificating teachers. Sec. 41 provides that the State Superintendent shall issue the teaching certificates pursuant to the rules and regulations of the State Board.

State: Maryland

PART IV - continued (7)

Sec. 100 - The examination and certification of teachers shall be a State function. All examinations shall be on uniform questions prepared and sent out by the State Superintendent. The county superintendent shall render such assistance in conducting examinations as may be required by the State Superintendent (Sec. 152). All details connected with the examination for teachers' certificates, the renewal of same, recognition of certificates and diplomas shall be determined, subject to the rules and regulations of the State Board, by the State Superintendent.

Sec. 203 provides that the Board of Public School Commissioners of Baltimore City shall have the power to examine teachers.

By-law 32, p. 72, School Laws, supra, sets out the required and elective courses which shall be considered to meet the school credit part of the requirement for Maryland high school teachers' certificates.....among the electives is a course in Audio-Visual education.

Topic 15 - Prescribing qualifications of using personnel

Sec. 99 - No person shall be employed as.....principal or teacher unless such person shall hold a certificate issued by the State Superintendent and for the grade required for the position. Any county may require as a condition of employment a higher standard for a certificate of a similar kind and grade than is required by the State.

Sec. 153 provides that the county superintendent of schools shall nominate, for appointment by the county board, all principals and teachers and shall place them, transfer them, suspend them and recommend their removal. Sec. 64 provides that the county board shall appoint principals and teachers so nominated by the county superintendent and may suspend or dismiss them.

Sec. 203 grants to the Board of Public School Commissioners of Baltimore City the power to appoint and remove teachers.

Topic 16 - Accrediting schools

Sec. 24 provides that the State Board shall prescribe with and on the advice of the State Superintendent, rules and regulations for grading and standardizing all public schools.

Sec. 66 provides that the county board subject to the by-laws of the State Board, shall, on the written recommendation of the county superintendent (Sec. 156), grade and standardize all the schools under their jurisdiction.

Topic 17 - Building or remodeling schools

Sec. 23 provides that the State Board shall prescribe,with and on the advice of the State Superintendent, rules and regulations for buildings.

State: Maryland

PART IV - continued (8)

Sec. 40 - The State Superintendent shall, subject to the rules and regulations of the State Board, pass upon.....all plans and specifications for the remodeling of old school buildings or the construction of new buildings costing three hundred dollars or more.

By-law 5, p. 33, School Laws, supra, provides that plans for all school buildings shall conform with the building standards approved by the State Board of Education.

Sec. 56 authorizes and empowers the county board, with the approval of the State Superintendent, to repair, improve and construct school buildings, or approve contracts for so doing in accordance with by-laws and Sec. 40 above.

Sec. 151 provides that the county superintendent shall recommend all repairs and shall prepare all plans and specifications for the remodeling of old buildings, and the construction of new buildings subject to Sec. 40 above.

Sec. 202 provides that the mayor and city council of Baltimore may prescribe rules for building school houses.....

Sec. 70 provides that each county board shall keep all moneys for construction of public school buildings and public school facilities.....in a separate bank account.....

Topic 18 - Federal aid

Sec. 217 provides that the State Board is authorized to accept any appropriation of money for any educational purposes which may be made out of the federal treasury or by any act of Congress. The State Board shall administer such funds.

Sec. 184 authorizes the State Board to accept any appropriation of money and/or materials for any library purposes which may be made out of the federal treasury or by an act of Congress.....The State Board shall administer such fund.

Topic 19 - State aid

Sec. 215 - (a) General State school fund - all moneys appropriated by the General Assembly of the State and receipts from the State public school tax levied by the General Assembly.

(b) The State comptroller shall charge against this fund an amount necessary to support the educational institutions of the State.

(c) The board of county commissioners of each county and the mayor and city council of Baltimore to be eligible to share in this fund shall levy an annual tax for the schools not less than 75¢ on each 100 dollars of assessable property, exclusive of the amount levied for debt service and capital outlay for schools.

State: Maryland

PART IV - continued (9)

Sec. 222 establishes an incentive fund. The State will grant aid to the City of Baltimore and to the counties to finance the construction of school buildings and school facilities, if they shall levy a specified amount for that purpose.

Sec. 161 - The county superintendent shall take the initiative in the preparation and presentation of the annual school budget. This budget is presented to the county board (Sec. 68) for their approval. The budget shall itemize all school expenses. After approval by the county board, the budget shall be submitted to the board of county commissioners and a copy to the State Superintendent. the board of county commissioners are empowered to levy and collect such tax upon the assessable property of the county as will produce the amount requested to be raised by local taxation in the annual budget of the county board of education.

Sec. 33 - The State Board of Education shall transmit biennially to the Governor, certified by the State Superintendent, an annual State public school budget.....General Assembly levies tax pursuant to Sec. 215(a).

Sec. 205 - The mayor and city council [Baltimore] are authorized and empowered to levy and collect upon the assessable property in said city, as other taxes are levied and collected, such amount of taxes as may be necessary to defray all the expenses incurred for educational purposes by said mayor and city council.

Sec. 207 - For the encouragement of secondary education in Maryland, the State shall extend aid to high school in such amounts as deemed necessary.

Sec. 186 - (a) provides for a county appropriation to support an established county library.

(b) provides for a state grant out of state funds to counties maintaining a county library for the purchase and maintenance of books.

(c) The state budget shall provide for an amount necessary to meet the current expenses of the counties and Baltimore City in which public libraries have been established and are operating.

Topic 20 - Private aid

Sec. 57 - Donations - The county board of education may receive donations of school grounds or school sites, or of houses already built suitably located and adapted to school purposes.....

Sec. 194 - The board of library truseees may receive, hold and possess, or sell or dispose of all gifts, donations, devises, bequests and legacies as may be made to the county commissioners or said trustees, for the purpose of establishing, constructing, increasing, or improving such public library.

State: Maryland

PART IV - continued (10)

Topic 21 - Library programs

Sec. 178 establishes a central library as a division in the State Department of Education to be known as division of library extension, which shall be under the immediate supervision of a director who shall be appointed by the State Board. The powers of this agency are set out in Part II (Sec. 180).

Sec. 181 authorizes the board of county commissioners of any county to establish and maintain county public libraries. Such libraries will offer free service to the residents of the county. The county library is governed by a board of trustees, Secs. 185 and 186 (see Part II).

Moneys for the maintenance and support of the library program for the State are discussed in Topics 18, 19, and 20. (Secs. 182, 184, 192)

Sec. 177 provides that district libraries ought to be established in each school house district under the care of the teacher, as librarian.....Books for this library must be selected by the board of district school trustees and teachers from a list to be furnished by the State Board.

Topic 22 - Research Programs

Sec. 32 provides that the State Board shall conduct investigations relating to educational needs of the State and the means of improving educational conditions; these investigations are conducted on the advice and recommendation of the State Superintendent. This section also empowers the Board and Superintendent to hire additional help to assist in the investigation.

Topic 23 - Institutes

Sec. 171 requires that a teachers' institute shall be held in each county once a year. The county superintendent shall preside in the absence of the State Superintendent. Two or more counties may combine and hold a joint institute.

In lieu of this annual institute, the county school commissioners may require at least one-fourth of the number of teachers of that county to attend a summer school, which has been approved by the State Superintendent, during the summer preceding the school session for which no institute is held.....

Sec. 154 provides that the county superintendent shall organize and attend county and local institutes for teachers and citizens.....

State: Maryland

PART IV - continued (11)

Topic 24 - Other established procedures

Sec. 39 provides that the State Superintendent shall call and conduct conferences of county school boards, district school trustees, county superintendents, supervisors, attendance officers and teachers, on matters related to the condition, needs and improvement of the schools.

Sec. 174 recommends the establishment of teachers' associations. They are important means of elevating the standard of public education by mutual conference, interchange of views and suggestions as to system of teaching and discipline.

MASSACHUSETTS (1959-60)

Enrollment in full-time public schools:

Elementary	643,044
High School	217,623
Number of school districts (including non-operating)	376
Number of elementary schools	1,691
Number of high schools (including junior high)	679
Expenditure per pupil in average daily attendance	$410

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960, OE-20006-60, pp. 6-7, 9, 11.

MASSACHUSETTS

Superintendency Union, Regional High School, and Independent School Superintendencies

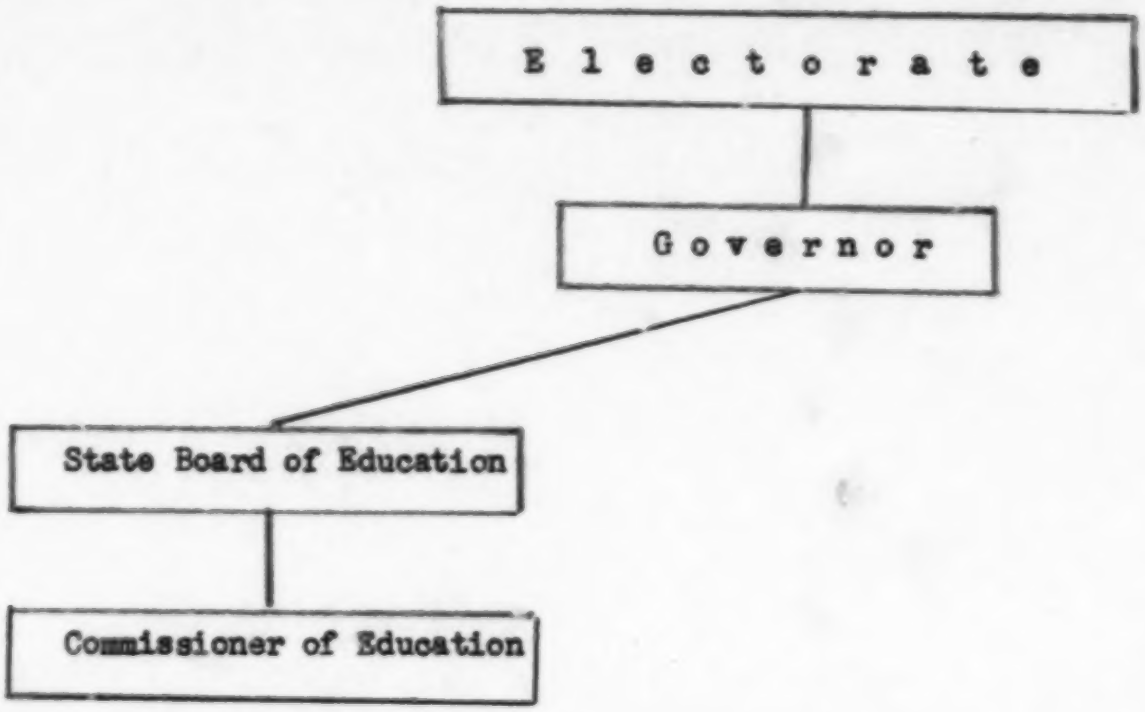
There are 252 school superintendencies in the State: 55 union superintendencies, 24 regional high school superintendencies, and 173 independent city or town superintendencies. There are no county school superintendents in the State. The general administration of public schools is under the supervision of a union, regional or independent, city or town superintendent. In this State, two or more towns combine to form a union or regional superintendency, each of which employs a superintendent who has jurisdiction over all schools in the union or region.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 92.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 85-87.

M A S S A C H U S E T T S

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

a. Schools...

State Board of Education.--Consists of 9 members appointed by the governor with the advice and consent of the council. Members hold office for overlapping 9-year terms, 1 being chosen each year.

The council is a constitutional agency composed of 8 members elected biennially on a partisan ballot by the qualified voters of Massachusetts. The law directs that no person be elected councilor who has not been an inhabitant of the State for the term of 5 years immediately preceding his election and that not more than 1 councilor be chosen from any one senatorial district in the State. The council serves in an advisory capacity to the governor.

Commissioners of the Massachusetts School Fund (administrative).--Composed of 2 ex officio members, the commissioner of education and the State treasurer. The commissioners invest and manage the permanent school fund of Massachusetts. All investments of the fund are made with the approval of the governor and council.

3. Chief State School Officer

The commissioner of education is appointed by the State board of education and may be removed at the board's discretion. The present commissioner was appointed by the board for a five-year term. All subsequent appointments will be for an indefinite term.

7. Coordination of the State Education System Through Structure

The State board of education is responsible for the coordination of the State program of public elementary and secondary education.

8. Coordination of the State Education System Through Ex Officio Memberships

The commissioner of education is an ex officio member of the (a) State board of vocational education....

The State treasurer is ex officio a commissioner of the Massachusetts school fund.

9. Fiscal Coordination

Four educational agencies submit budgets to the State budget commissioner as follows: (a) the State board of education ....

The State budget commissioner is appointed by the governor for a 4-year term with the advice and consent of the council and serves in a staff capacity to the governor in the preparation of the proposed State budget. He studies and reviews all estimates and requests for appropriations and makes such investigations as are necessary to prepare a budget which sets forth the recommendations determined by the governor.

The governor submits the proposed State budget to the general court (legislature) with such messages, statements, or supplemental data as he deems expedient, and from time to time during the session he may submit supplemental messages or recommendations relative to appropriations, revenues, and loans.

State: Massachusetts

Source of information unless otherwise stated: Annotated Laws of Massachusetts: The Michie Company, (1953), with 1961 Cumulative Supplement. (Citations are to different Chapters and their respective consecutive sections, as indicated.)

PART I

Educational Organization

State level:

Department of Education: called Department of Education, ch.15, sec. 1

how organized: ch. 69

established by: ch. 15, sec. 1

is it a body corporate: No

State Board of Education: called Board of Education, ch. 15, sec. 1A

established by: ch. 15, sec. 1A

is it a body corporate: No

composition: Nine members, ch. 15, sec. 1A

how selected: Appointed by the Governor, ch.15, sec.1A

is confirmation necessary: Yes, advice and consent of the Council, ch.15, sec.1A

subject to what control: Governor

to whom reporting: Governor

term of office: Nine years, one chosen each year, ch.15, sec. 1A.

Chief state school officer: called Commissioner of Education ch.15, sec.1B

office established by: ch.15, sec.1B

how selected: Appointed by Board of Education, ch.15, sec. 1B

is confirmation necessary: Not stated

subject to what control: Board of Education ch.15, sec.1B

to whom reporting: Board of Education, ch.15, sec.1B

term of office: at will of Board of Education, ch.15, sec. 1B

staff and who appoints: Deputy Commissioner of Education, appointed by the Board of Education, ch.15, sec.1C

Other organization or official: called

State: Massachusetts

PART I

Educational Organization (continued)

Intermediate level:

Organizational unit: called Regional School District, ch.71, sec.15

how organized: Popular election joining two or more towns, ch.71, sec. 15

composition: Two or more towns, ch.71, sec.15; ch.71, sec.16

is it a body corporate: Yes, ch.71, sec.16

Board of education, if any: called Regional District School Committee, ch.71, sec.16A

established by: ch.71, sec.16A; ch.71, sec.14B; agreement

is it a body corporate: No

composition: Agreement of establishment, ch.71, sec.14B

how selected: Agreement, ch.71, sec. 14B

is confirmation necessary: Agreement must be confirmed by State Department of Education and towns, ch.71, sec.14B

subject to what control: ch.71, sec.16A; ch.71, sec.16B; ch.71, sec.37; agreement; ch.71, sec.14B

to whom reporting: Town officers, ch.71, sec.16

term of office: Agreement, ch.71, sec.14B

Administrative officer of unit; called Superintendent of Schools, ch.71, sec.16

office established by: ch.71, sec.15

how selected: By Regional School District Committee, ch.71, sec.16

is confirmation necessary: No

subject to what control: Regional School District Committee, ch.71, sec.59 ; ch.71, sec.16

to whom reporting: Regional School District Committee, ch.71, sec.59 ; ch.71, sec.16

term of office: At the discretion of the Regional School District Committee, ch.71, sec.40

staff and who appoints:

Not stated

State: Massachusetts

PART I

Educational Organization (continued)

Intermediate level:

Organizational unit: called Superintendency District, ch.71, sec.60

how organized: ch.71, sec.60

composition: Two or more towns, ch.71, sec.60

is it a body corporate: No

Board of education, if any: called Joint Committee for Union, ch.71, sec.63

established by: ch.71, sec.63

is it a body corporate: No

composition: The chairman, and two members from each school district participating, ch.71, sec.63

how selected: By Town School Committees, ch.71, sec.63

is confirmation necessary: No

subject to what control: Town School Committees, ch.71, sec.37

to whom reporting: Town officials, ch.41, sec.59; ch.41, sec.61; Town accountant Town report Agent of town, ch.71, sec.63

term of office: Three years, ch.41, sec.1

Administrative officer of unit; called Superintendent of Schools, ch.71, sec.59; ch.71, sec.60

office established by: ch.71, sec.63; ch.71, sec.60

how selected: Employed by the Joint Committee, ch.71, sec.60

is confirmation necessary: No

subject to what control: Joint Committee, ch.71, sec.60; ch.71, sec.63; ch.71, sec.59

to whom reporting: Joint Committee, ch.71, sec.63

term of office: Three years, ch.71, sec.63

staff and who appoints: Not stated

State: Massachusetts

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called City

how organized: Choice of charter, ch.43, sec.2

composition: Citizens of incorporated area

is it a body corporate: Yes, city is. ch.40, sec.1

Board of education: called School Committee, ch.43, sec.31

established by: ch.71, sec.37; ch.43, sec.31; ch.43, sec.33

is it a body corporate: No

composition: Mayor and six members, ch.43, sec.31

how selected: Elected by voters, ch.41, sec.1

is confirmation necessary: No

subject to what control: ch.71, sec.37; ch.43, sec.31

to whom reporting: Mayor or City Manager, ch.43, sec.29

term of office: Varies with City Charter; two, three or four years, ch.43, sec.31

Administrative officer of unit: called Superintendent of Schools, ch.71, sec.59

office established by: ch.71, sec.59

how selected: School Committee, ch.43, sec.32

is confirmation necessary: No

subject to what control: School Committee, ch.71, sec.59; ch.43, sec.32

to whom reporting: School Committee, ch.71, sec.59; ch.43, sec.32

term of office: Year to year at the discretion of the School Committee, ch.43, sec.32

staff and who appoints: Subordinate officers and assistants appointed by School Committee, ch.43, sec.32

State: Massachusetts

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Town

how organized: By charter, ch.41, sec. 1: sec 2

composition: Citizens of incorporated area

is it a body corporate: Yes, town is. ch.40, sec.1

Board of education: called School Committee, ch.71, sec.37

established by: ch.41, sec.1

is it a body corporate: No

composition: Varies with town charter, 3, 5, 6, 7 or 9 members, ch.41, sec.1

how selected: Elected by voters, ch.41, sec.1

is confirmation necessary: No

subject to what control: ch.71, sec.37

to whom reporting: Town officials, ch.41, sec.59; ch.41, sec.61

term of office: Three years, ch.41, sec.1

Administrative officer of unit: called Superintendent of Schools, ch.71, sec.59

office established by: ch.71, sec.59

how selected: School Committee, ch.71, sec.59

is confirmation necessary: No

subject to what control: School Committee, ch.71, sec.59

to whom reporting: School Committee, ch.71, sec.59

term of office: Year to year, discretion of Committee, ch.71, sec.41

staff and who appoints: Not stated

State: Massachusetts

PART I

Educational Organization (continued)

Schools

Principals

appointed by: School committee, ch.71, sec.38G

qualifications: Board of Education and School committee, ch.71, sec.41

term of office: Discretion of School committee, ch.71, sec.41

Teachers

appointed by: School committee, ch.71, sec.38

qualifications: Set by Board of Education and School committee, ch.71, sec.38G

certification: By Board of Education and School committee, ch.71, sec.38G

tenure: Discretion of School committee, ch.71, sec.41

special assignments: No specific legislation on subject.

State: Massachusetts

Source of information unless otherwise stated: Annotated Laws of Massachusetts, 1953, with 1961 Cumulative Pocket Part.

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

Legislation on public education in Massachusetts appears in several different chapters of the Annotated Laws of Massachusetts. A close interrelationship between such provisions is not as apparent as in some States which have a unified education code, describing the mutual interplay of functions and duties of officers and organizations within a cohesive educational system. The real reason for this probably lies principally in the basic differences in administration. There is a long tradition of strong control of the public school system by local municipalities in Massachusetts. This leaves less power at the State level. The legislature has not disturbed this division of powers substantially.

The State Board of Education reviews the actions of the Commissioner of Education, whom it appoints, and of the State educational system, Ch. 15, Secs. 1, 1A, 1B.

Chapter 69 is entitled "Powers and Duties of the Department of Education" but the major part of this chapter is devoted to subjects not related to the general public school system. Subjects dealt with at greater length are university extension and correspondence courses, special courses to instruct people 18 years old or more in the use of English, activities of a Division of Immigration and Naturalization, an extensive program for the Division of the Blind, instruction in special schools for the deaf and the blind, vocational rehabilitation, and a board of collegiate authority controlling the incorporation of colleges, junior colleges, and universities.

There is a separate chapter on vocational education, as well as other provisions on agricultural education, schools for children of working mothers, continuation schools, community colleges, occupational guidance, correctional institutions for truants -- in short, a great variety of subjects on the fringe of basic programs of elementary and secondary public school education but not relevant here.

State: Massachusetts

PART II - continued (2)

As a means of illustrating the limited scope of power at the State level, and of making conveniently available for reference those prosisions which might be invoked in some way in AV programs, the few sections of Chapter 69 which are generally relevant are quoted:

"Ch. 69, Sec. 1. Commissioner of Education, Duties.--The commissioner of education shall have supervision of all educational work supported in whole or in part by the commonwealth. He shall collect and distribute information as to the condition and efficiency of the public schools and other means of popular education and the best methods of instruction; shall suggest improvements in the present system of public schools to the general court; shall visit as often as practicable different parts of the commonwealth for the purpose of arousing and guiding public sentiment in relation to the practical interests of education; shall collect in his office such school books, apparatus, maps and charts as may be desirable; shall receive and arrange in his office the reports and returns of the school committees; and shall receive, preserve or distribute the state documents relative to the public school system. He shall give sufficient notice of and attend such meetings, conferences and conventions of teachers of public schools as may be held under his direction, and meetings of members of school committees and of friends of education generally, and shall collect information relative to the condition of the public schools, the performance of their duties by school committees, and the condition of the towns in regard to teachers, pupils, books, apparatus and methods of education."

"Ch. 69, Sec. 2. Statement of Amounts Spent for Vocational Schools; Annual report.--On or before the first Wednesday of January of each year the commissioner shall present to the general court a statement of amounts expended previous to September first preceding by counties, cities and towns for maintenance of approved county, local or district independent vocational schools, or in payment of claims for tuition therein, for which such counties, cities and towns shall be reimbursed under chapter seventy-four. He shall make an annual report containing a printed abstract of the returns of school committees under chapter seventy-two and of the schools in charge of the department, and a detailed report of the doings of the department, together with a detailed report of all receipts and expenditures, with observations upon the condition and efficiency of the system of public education and suggestions in regard to the most practicable means of improving and extending it. The records of the doings of the department shall be open to public inspection."

"Ch. 69, Sec. 3. Educational Trusts.--The department of education, in this chapter called the department, may receive, in trust for the commonwealth, any grant or devise of land or any gift or bequest of personal property for educational purposes, and shall forthwith transfer any money or securities so received to the state treasurer, who shall administer the same as provided in section sixteen of chapter ten."

State: Massachusetts

PART II - continued (3)

"Ch. 69, Sec. 4. Statistics as to Certain Institutions.--The department, through its division of research and statistics, shall prepare, with due reference to the requirements of the federal office of education, and annually, on or before May tenth, send to every literary, scientific or professional institution of learning in the commonwealth, and every training school or infirmary, blank forms of inquiry for such statistics as it may prescribe, relative to the number of pupils and instructors, courses of study, cost of tuition and the general condition of the institution or school. The trustees, officers or persons in charge thereof shall annually, on or before June first, return the same with the information required."

"Ch. 69, Sec. 5. Certification of High School Teachers.--Subject to such conditions as it may prescribe, the department shall grant certificates to candidates found qualified by examination or otherwise to teach in high schools aided by the commonwealth, as provided in sections five and fifteen of chapter seventy-one."

"Ch. 69, Sec. 6. Application for Teachers' Positions; Assistance to Applicants.--The department shall receive applications for the position of teacher from graduates of good moral character of any high school or state college in this commonwealth, or of any other school deemed by the department to be of equal grade, or of any reputable college. Such an application shall contain the applicant's name and address, and briefly, his experience and qualifications. The department, without charge, shall communicate with the various school committees and with the applicants themselves with a view to securing such positions."

In 1953 legislation was enacted, and amended in 1960, now appearing in Ch. 71, Sec. 38G, as amended, directing the State Board of Education to grant certificates, upon application, to "teachers, principals, supervisors, directors, school librarians, superintendents and assistant superintendents of schools" upon a satisfactory showing of

1 American citizenship
2 good health
3 moral character
4 bachelor's degree or higher, or graduation from an approved normal school
5 ability to meet requirements as to courses of study as prescribed by the board

No person is eligible for employment in the public schools without such a certificate. The board is authorized to make rules for issuance of such certificates.

From the brief provisions described above, it appears that there is little control over local operations except through economic pressure and the system of reports on which State aid is based. Chapter 70, entitled "School Funds and Other State Aid for Public Schools" deals with the State program of support, exclusive of resources raised by local taxation.

State: Massachusetts

PART II - continued (4)

Ch. 70, Sec. 1 states the policy to equalize educational opportunity in public schools through State aid.

Ch. 70, Sec. 2 reads as follows: "The present school fund of the commonwealth, known as the Massachusetts School Fund, with future additions, shall continue to constitute a permanent fund. The commissioner of education, hereinafter referred to as the commissioner, and the state treasurer shall continue to be commissioners to invest and manage said fund, and they shall report annually the condition and income thereof. All investments shall be made with the approval of the governor and council. The annual income of the Massachusetts School Fund shall be expended in accordance with the provisions of section three."

Ch. 70, Sec. 3, indicating the source of State aid and a formula and procedure for paying it, reads as follows: "The state treasurer shall annually on May fifteenth of the year following the due date of the certification by the commissioner, as required by section nine, pay to the several towns the amounts required under this chapter to the extent that funds are then available under section eighteen of chapter fifty-eight of the General Laws and on October fifteenth of such year, pay the balance, if any, of such amounts. The revenue of the Massachusetts School Fund, any federal funds available for the purposes of this chapter, and such additional amounts as may be necessary from the proceeds of the taxation on incomes under chapter sixty-two or, if such proceeds are insufficient, from such other revenues as may be appropriated therefor, shall be applied to such payments. The amount of such grant for each town shall be determined annually by the commissioner from the returns required by this chapter and by chapter seventy-two for the preceding school year, and shall be fifty per cent of the amount by which the foundation program, as defined in section four, exceeds the product of each one thousand dollars of the equalized valuation of such town multiplied by six."

Ch. 70, Sec. 4 states that the foundation program shall be an amount of $130 for each person between the ages of 5 and 16, and makes provision for minor changes in this base according to a formula stated. Sec. 3B provides that towns comprising a regional school district shall receive an additional 15% of the base amount payable to them. Other sections of this chapter relate to variations in formula for towns and cities, and Sec. 8 states that unless the State Commissioner recommends otherwise, towns and cities shall not receive any State school aid if they contributed less than $110 per pupil in the preceding year, exclusive of costs of transportation and school lunches.

Ch. 70, Sec. 9 requires every school superintendent to file annually with the Commissioner data necessary to determine amounts payable under this chapter, and the Commissioner upon a satisfactory finding certifies the appropriate amount to the proper State officials for payment by State Treasurer.

Ch. 70, Sec. 10 requires all school committees -- that is, the local governing boards -- in submitting estimates of funds required for school support, to show amounts to be received locally and amounts anticipated from the State.

State: Massachusetts

PART II - continued (5)

There are provisions in Chapter 71 for reimbursement to towns, cities, or regional school districts for certain purposes but they are not relevant here.

Local Level

Schools are operated under the direction of superintendents, but under the control of "school committees' which correspond in function to local boards. Members serve without compensation except in those towns belonging to a superintendency union which vote to pay committee members, Ch. 71, Sec. 52. In general, but with some exceptions, the towns and cities are superior entities.

Every town is required to maintain, for at least 160 days a year, a sufficient number of schools for instruction of children legally entitled to attend, and to provide competent teachers and instruction in general subjects listed, including certain civic, moral and health subjects. But such other subjects as the school committee considers expedient may be taught in the public schools, Ch. 71, Sec. 1.

Every town having 500 families or householders is required, unless specifically exempted by the State Department of Education, to maintain a 4-year high school 180 days a year, adequately equipped, kept by a principal and such assistants as may be necessary and giving instruction in such subjects as the school committee considers expedient. If the high school is in a town required to belong to a superintendency union, then it must be conducted in accordance with standards of organization, equipment and instruction approved by the Department of Education, Ch. 71, Sec. 4.

Several sections provide for payment of tuition, transportation, and other expenses of pupils by towns which send their pupils to high schools in other towns. They are relevant in emphasizing local autonomy but are not relevant to AV.

School committees function in towns or cities constituting separate districts, in each of the towns and cities which have formed a superintendency district by popular vote (Ch. 71, Sec. 60) or which have formed a superintendency union by voluntary action of respective school committees (Ch. 71, Sec. 61) or by order of the State Board of Education (Ch. 71, Sec. 62). In each of these cases neither the school district nor the school committee is a corporate body, but the corporate capacity of the municipality is used for some school purposes. The existence of the school committee is not affected by any of the voluntary combinations or by enforced union described above, although in some combinations not important here membership of a joint school committee in the union district is less than the combined membership of all participating school committees (Ch. 71, Sec. 63).

State: Massachusetts

PART II - continued (6)

A regional school district, however, is different and its powers are different. It comes into being after several steps:

(1) popular election of two members and appointment of a third by the "moderator", in two or more towns, of a Regional School District Planning Committee (Ch. 71, Sec. 14).

(2) organization of the several committees into a Board (ibid.) which studies the advisability of establishing a regional school district (Ch. 71, Sec. 14A), makes a unique plan for its area, following a general pattern prescribed, and makes a proposed agreement (Ch. 71, Sec. 14B).

(3) vote on the proposed agreement by the selectmen of each of the participating towns, and upon majority vote in each town the establishment of a new Regional School District (Ch. 71, Sec. 15).

Pursuant to Ch. 71, Sec. 16, the Regional School District is a body politic and corporate (unlike all other school districts) and the school committees of the participating towns obviously cease to exist. The new district has all the powers and duties conferred by law upon ordinary school committees and additional powers and duties as follows:

(a) adopt a name and corporate seal

(b) sue and be sued in the same way as a town

(c) acquire school property for the district and to construct, reconstruct, add to, equip, organize and operate a school or schools for the benefit of the towns comprising the district, and to make any necessary contracts in relation thereto

(d) to incur debt for the purpose of acquiring land, constructing and equipping school buildings, limited to a 20-year term and subject to approval by vote of towns included in region under a procedure provided

(e) issue bonds and notes in the name of the district

(f) receive and disburse funds for any district purpose

(g) incur temporary debt in anticipation of revenue from member towns

(h) assess member towns for expenses of the district

(i) receive grants or gifts for the regional district schools

(j) engage local counsel

State: Massachusetts

PART II - continued (7)

(k) submit a detailed annual report on finances and operations to each member town.

(l) employ a superintendent of schools (who may also be superintendent of one or more of the member towns), and "said superintendent shall have all the powers and duties imposed upon school superintendents by law."

(m) adopt an annual operating and maintenance budget, ibid.

All of the powers, duties and liabilities of a regional school district shall be vested in a regional district school committee organized in accordance with the agreement under which the district was organized, Ch. 71, Sec. 16A.

Pursuant to Ch. 71, Sec. 16B this school committee determines annually the amounts necessary to raise for operation and maintenance of the schools for the next year, and apportions the amounts among the member towns in accordance with the basic agreement. The treasurer of the regional school district certifies the appropriate amounts to the treasurers of the several member towns and thereafter the towns at their next annual town meeting appropriate the amounts so certified. Apparently no provision is made to exercise a veto on the amount or purpose of funds estimated necessary by the school committee. If a town fails to appropriate the amount certified to it as its share, relief is provided by Ch. 71, Sec. 34 for court action to collect.

Member towns continue to receive State aid in the amount to which they would be entitled if the regional district had not been formed, and the regional district itself receives State aid for the construction of schools, Ch. 71, Sec. 16D.

Otherwise, as first indicated above, the political character and capacities of municipalities in Massachusetts are employed in some areas -- such as districting, legal representation, fiscal activities -- which in other States are employed by separate corporate entities in the educational structure, independent of political entities. The exception to this in Massachusetts, of course, is the regional school district described above. It might be supposed therefore that, with this exception, there would be little legislation and little power provided for the other school districts and school committees in the State.

The first is true, since there are relatively few provisions similar to those found in other States, but authority which is not exercised by municipalities but is left to school committees is still considerable.

The duties of the school committee, the basic standard for all districts except the regional school district, are described only briefly in Ch. 71, Sec. 37, which reads as follows:

State: Massachusetts

PART II - continued (8)

"It shall have general charge of all the public schools, including the evening schools and evening high schools, and of vocational schools and departments when not otherwise provided for. It may determine, subject to this chapter, the number of weeks and the hours during which such schools shall be in session, and may make regulations as to attendance therein."

The words "general charge of all the public schools" have had wide application, as indicated in Annotation No. 2. "The power under this section is broad and ample. For the promotion of the best interests of pupils and of all the people, it necessarily has been construed broadly by the court", citing Hammond v. Hyde Park, 195 Mass. 29, 30, 80 NE 650, and a number of other cases.

Annotation No. 3 states in part: "By long established legislative policy school committees are given general management of the public schools including the election and dismissal of teachers. They have administrative control of school systems and they are responsible for the proper functioning of the schools. The power of management placed by statutes in school committees has always been broadly construed" citing Davis v. School Committee, 307 Mass. 354, 30 NE 2d 401.

A few of the many other citations under this section, and the subjects to which they relate are:

The powers of school committees include power to make all reasonable rules and regulations for the discipline, government and management of the schools.....Hodgkins v. Rockport, 105 Mass. 475.

The school committee of a town may, in the performance of the duties imposed upon such committee by law, and for the purposes set forth in the statutes, make expenditures which such town is bound to pay, and for the payment thereof may draw orders directly upon the town treasury, notwithstanding a by-law of the town to the effect that the town treasurer shall not pay money upon orders other than orders drawn by the selectmen. 3 Op AG 37.

The employment of clerks comes within the purview of this chapter as necessary for the support of the schools. Ring v. Woburn, 311 Mass. 679, 43 NE 2d 8.

The school committee is a board of public officers whose duties are prescribed by this section, and in the execution of its duties the members do not act as agents of the town, but as public officers in the performance of public duties. McKenna v. Kimball, 145 Mass. 555,556,14 NE 789.

The only supervision which city councils or towns can exercise over the school committee is to vote to close the schools after they have been kept the length of time specified by law. Leonard v. Springfield, 241 Mass. 325, 135 NE 459.

State: Massachusetts

PART II - continued (9)

Under this general authority so broadly interpreted by the courts, beyond the control of local municipalities and not diminished by conflicting powers at the State level, school districts should clearly have authority to engage freely in many activities connected with AV. Other authority, more specifically stated, supplements that contained in the expression "general charge of all the public schools".

Pursuant to Ch. 71, Sec. 38 the school committee shall elect and contract with the teachers of the public schools, require full and satisfactory evidence of their moral character, and ascertain their qualifications for teaching and their capacity for the government of schools. This provision, even with the requirement for certification of teachers referred to above, Ch. 71, Sec. 38G, probably indicates more clearly than similar provisions in other States the authority of the school committee to inquire into such questions as special qualifications of teachers to use AV equipment. But some degree of protection of the tenure of teachers, once they are in service, is afforded by Ch. 71, Sec. 41, even though the school committee has authority under Ch. 71, Sec. 42 to dismiss a teacher for inefficiency, incapacity and for similar causes, after formal hearing.

Under Ch. 71, Sec. 48 the school committee shall, at the expense of the town, purchase textbooks and other school supplies, make regulations for their care and custody, lend them to pupils free of charge, purchase necessary tools, implements and materials for instruction in the manual and domestic arts, and "procure such apparatus, reference books and other means of illustration, as may be needed." In Parkhurst v. Revere, 263 Mass. 364, 370, 161 NE 599, the court held that this section is mandatory, which indicates that once the school committee has made the decision, the town is obliged to provide the funds. In another case, Brine v. Cambridge, 265 Mass. 452, 455, 164 NE 619, the court cited with approval a Nebraska decision, Affholder v. State, 51 Neb. 91, 93, 70 NW 544, which interpreted the words "school supplies" appearing in a Nebraska statute to include "maps, charts, globes, and other apparatus necessary for use in schools". Thus, it is clear that authority under this section would extend to the purchase of AV equipment.

Ch. 71, Sec. 68, relating to schoolnouses, reads in part as follows:

"Every town shall provide and maintain a sufficient number of schoolhouses, properly furnished and conveniently situated for the accommodation of all children therein entitled to attend the public schools.....The school committee, unless the town otherwise directs, shall have general charge and superintendence of the schoolhouses, shall keep them in good order, and shall, at the expense of the town, procure a suitable place for the schools, if there is no schoolhouse, and provide fuel and other things necessary for the comfort of the pupils."

But under Ch. 71, Sec. 70 a town is authorized, at a town meeting, to determine the situation of its schoolhouses.

State: Massachusetts

PART II - continued (10)

Thus, while the towns own the buildings (except in the case of regional school districts) and may have some voice in the location of the schools, the school committees control the use of them. But there is no clear indication of procedures for determining building requirements to facilitate the use of AV equipment in the schools. The town provides money for the operation of the schools, Ch. 40, Sec. 5.

A city school district is required by Ch. 43, Sec. 33 to provide sufficient schools for the pupils of the district, and the city must provide the funds required. In cities, the mayor is ex officio a member of the school committee, Ch. 43, Sec. 31, and the mayor or city manager must approve any school committee contract of over $1,000 value, Ch. 43, Sec. 29. If the city has employed a purchasing agent under Ch. 41, Sec. 103, then all school purchases must be made through the purchasing agent.

Under Ch. 71, Sec. 59 the school committee of a town not in a superintendency union or superintendency district shall employ a superintendent of schools and fix his compensation. This provision applies also to the school committee of a city, Callahan v. Woburn, 306 Mass. 265, 28 NE 2d 9, but in both cases the superintendent has the protection of legislation on tenure and minimum salary, ibid.

Under the same section, the superintendent "shall be the executive officer of the committee, and under its general direction, shall have the care and supervision of the public schools, shall assist it in keeping its records and accounts and in making such reports as are required by law, and shall recommend to the committee teachers, textbooks, and courses of study". (emphasis added)

If two or more towns maintain an aggregate of not more than 75 schools and not less than 25 schools, when each town has a valuation of less than $2,500,000 then their school committees are required by Ch. 71, Sec. 31 to form a union to employ a superintendent for their joint use. The same requirement applies to four or more such towns irrespective of the minimum number of schools maintained. Other towns with a higher valuation may participate in such unions.

The school committees of the participating towns organize as a joint committee, except when a school committee consists of more than 3 members, in which case its president and 2 other members serve on the joint union committee. This joint committee meets annually, employs a superintendent for a three-year term, fixes his salary, determines the division of his time among the several towns and apportions expenses. Ch. 71, Sec. 63.

A variation of this procedure is the voluntary organization of a superintendency district by vote of two or more towns for the purpose of employing a superintendent. Ch. 71, Sec. 60.

State: Massachusetts

PART II - continued (11)

If a town which would be required by Ch. 71, Sec. 61 to participate in a union and the Department of Education finds that it is unable to do so, then the school committee, with the approval of the Department, shall employ a full-time or a part-time superintendent. The State pays 2/3 of his salary and of his traveling expenses. Ch. 71, Sec. 59A.

The superintendents appointed under this section and in superintendency districts and in union districts have the same duties, by definition, as other superintendents, Ch. 71, Sec. 59.

No other pertinent provisions are found with reference to powers of school committees, but some are definitely implied by duties of superintendents, referred to above, including recommendation of courses of study. This could extend to planning AV use, organizing units for AV use, and similar activities, all supported by the broad general authority of the school committee as previously described. The school committee, of course, has the power of decision. Ch. 71, Sec. 59.

Another function, which might have relevance to advising on use of AV, is implied by provisions of Ch. 71, Sec. 73 which reads:

"The superintendent of schools may, unless the committee votes otherwise, direct the closing of schools under his supervision in order that teachers may attend a meeting of a county association of teachers or an institute, conference, or convention held under direction of the department." (emphasis added)

Part III contains citations and quotations from provisions dealing specifically with AV.

State: Massachusetts

Source of information unless otherwise stated: Annotated Laws of Massachusetts: The Michie Company, (1953), with 1961 Cumulative Supplement. (Citations are to different chapters and their respective consecutive sections, as indicated.)

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

Ch. 69, Sec. 1. Commissioner of Education, Duties.--The commissioner of education shall....collect in his office such school books, apparatus, maps and charts as may be desirable.

Ch. 71, Sec. 27. Free Lectures, etc. -- The school committee may employ competent persons to deliver lectures on the natural sciences, history, and kindred subjects, and may provide cards or pamphlets giving the titles and authors of books of reference on the subject matter of said lectures contained in the local public libraries.

Ch. 71, Sec. 48. Textbooks and Other Supplies to Be Provided.-- The committee shall, at the expense of the town, purchase textbooks and other school supplies, and, under such regulations as to their care and custody as it may prescribe, shall loan them to the pupils free of charge. If instruction is given in the manual and domestic arts, it may so purchase and loan the necessary tools, implements and materials. It shall also, at like expense, procure such apparatus, reference books and other means of illustration, as may be needed.

Ch. 71, Sec. 13F. Educational Television Programs; payment of Costs, etc.; Executive Committee for Educational Television.

The course of study in elementary and high schools may include instruction by means of educational programs broadcast through the facilities of television stations. The cost of such programs may be shared by cities and towns within viewing range of such television stations and the school committee of each such city or town may include within its budget such funds not to exceed one dollar per pupil enrolled in public elementary and high schools in such city or town, for the payment thereof as it may deem advisable. Other educational agencies may participate in this program by a financial contribution. The board of education, with the advice

State: Massachusetts

Part III - continued (2)

of the commissioner, shall appoint a committee to coordinate and administer such programs. Said committee shall be known as the executive committee for educational television, in this section and sections thirteen G to thirteen I, inclusive, called the committee. The committee shall consist of twelve members, of whom at least seven shall be representatives of contributing school systems. As the term of office of a member expires his successor shall be appointed in like manner for a term of four years. The members of the committee shall serve without compensation, except that they may be reimbursed for their necessary expenses actually incurred in the performance of their duties.

Ch. 71, Sec. 13G. Scope of Activities of Executive Committee for Educational Television; Rules; Quorum; Employees.

Subject to the approval of the board of education, the executive committee for educational television shall act in matters pertaining to educational television. Said committee may adopt rules for the conduct of its business. A majority of the members shall constitute a quorum for the transaction of business. Said committee shall recommend to said board of education the appointment of such professional personnel as is necessary to carry on the work of the committee, and may recommend the appointment of such clerical, engineering, legal, or other assistants as it deems necessary, provided, however, that no obligation shall be incurred for the payment of salaries or other compensation to any such employee, except from available funds appropriated to the board of education by the general court or from such other funds as may be held in trust by the said committee.

Ch. 71, Sec. 13H. Educational Television Program Fund.

The committee may establish and manage under such regulations as it may from time to time prescribe, a trust fund to be known as the Educational Television Program Fund. All funds received from school committees, organizations, or individuals for the purposes of sections thirteen F to thirteen I, inclusive, shall be credited to said Fund and shall be deposited in the state treasury and may be expended by the committee for such purposes without appropriation; provided, that no obligation shall be incurred for any expenditure in excess of sums available therefor.

The committee shall cause accurate accounts to be kept at all times of all receipts and expenditures of funds received by it, and shall make a report of the same annually in December to the board of education.

State: Massachusetts

Part III - continued (3)

Ch. 71, Sec. 13I. Power and Duties of Executive Committee for Educational Television; Limitations as to Sponsorship of Programs.

In order to carry out its duties, said committee, from time to time and within the limits of appropriation therefor and of available trust funds, may --

(a) Acquire, construct, hold, lease and dispose of real and personal property;

(b) Prepare programs, enter into agreements providing for the furnishing of programs, and the disposition thereof within and without the commonwealth, equipment, assistance and personnel; purchase broadcast time; and enter into other contracts;

(c) Obtain assistance from, and co-operate with others, including, without restriction, institutions of learning and groups interested in television broadcasting;

(d) Hold and administer real and personal property, and money given, whether outright or in trust; and

(e) Do all acts and things necessary or convenient to carry out the purposes for which the committee is created.

Said committee shall not provide or sponsor any program which advertises a commercial product or service, or any program wherein any denominational religious doctrine is inculcated, or any programs founding, maintaining or aiding any church, religious denomination or society, providing that nothing in this section shall be construed as preventing the furtherance of belief in a Supreme Being, nor shall any programs designed to aid any political party or candidate for public office be permitted.

The State Department of Education maintains an Office of Audio-Visual Services in the Division of University Extension in the Department. The principal purpose of this Division, apparently, is to cooperate with "existing institutions of learning in the establishment and conduct of university extension and correspondence courses....", for the benefit of "residents of the commonwealth" and inmates of various sanatoria, hospitals and other similar institutions. Ch. 69, Sec. 7. No reference is made to cooperation with the public elementary and secondary schools, but there is nothing to indicate that public school districts do not or could not participate in the activities and services described in the short leaflet issued by this Division, and reading as follows:

State: Massachusetts

Part III - continued (4)

"Like all cooperatives, the Massachusetts Film Cooperatives are voluntary associations formed for the purpose of providing members with services in a more advantageous manner and at a more economical cost than otherwise obtainable. Their purpose is to make 16 mm. educational films available to schools, libraries, and hospitals throughout the Commonwealth.

"The Film Cooperatives are administered directly by the Office of Audio-Visual Services, Division of University Extension, Massachusetts Department of Education, with the assistance of committees elected by the members.

"There are minor differences between the operating procedures of each of the Film Cooperatives. Basically, however, they function in the same manner. Each member determines each year how many films it can contribute to the Cooperative. The minimum cost of a single film is $60.00. When purchased, each film is deposited in the Office of Audio-Visual Services for the life of the film. However, by mutual agreement any member may terminate membership in the Cooperative at the end of their fiscal year, and thus withdraw the films it has purchased.

"Members may borrow any film in the Cooperative without charge, except for postage and insurance on return mailing. In addition, members may borrow films owned by the Office of Audio-Visual Services on a paper debit basis determined by the dollar value of the films deposited by the member during a given year.

"Through the cooperatives, individual school systems, libraries, and hospitals have available a large central library of films valued at $225,000. It would be impossible for the average institution to remain such a film library by itself. [The quotation is correct, but evidently the word maintain was intended for the word remain, which was used.] Furthermore, Cooperative members are afforded the opportunity to preview films, to determine their special needs, and to deposit with the Office of Audio-Visual Services those films which they find particularly useful, while at the same time having available many other valuable films.

"As of November, 1961, 53 school systems, 87 libraries, and 14 hospitals are members of Film Cooperatives. The School and Library Cooperatives are among the largest such plans in the nation. The Hospital Cooperative was the first in the Unived States."

Ch. 69, Sec. 29A, as amended, provides that the Division of Special Education, in the Department, may approve the purchase, lease, and maintenance of special audio-visual equipment for instruction outside of classroom of children who because of physical handicaps cannot attend school. This Division requires compliance by cities, towns, or regional school districts with statutory requirements for training such children (Ch. 71, Sec. 46, 46A).

Such instruction is not within the purview of this study, but through it the school committees no doubt become acquainted with audio-visual equipment which might be used in the public school classrooms.

State: Massachusetts

Source of information unless otherwise stated: Annotated Laws of Massachusetts: The Michie Company, (1953), with Cumulative Supplement. (Citations are to different Chapters and their respective consecutive sections, as indicated.)

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject.
Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or
No

Yes 2. Planning the use of AV aids
(a) ch.71, sec.13 I
(b) ch.71, sec.48
ch.69, sec.1; ch.71, sec.59

Yes 3. Preparing curricula
(a) ch.71, sec.13 F to 13 I
(b) ch.71, sec.1; ch.71, sec.59; ch.69, sec.1

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available
(X) Nothing specific
(b) ch.69, sec. 1; ch.71, sec.13 I(e)

Yes 5. Organizing AV units and cooperative activities
(a) ch.71, sec.13 F, sec. 13 I
(b) ch.69, secl

Yes 6. Conferring on AV use outside of State educational structure
(a) ch.71, sec.13 I(c)
(b) ch.69, sec.1

State: Massachusetts

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)
(a) ch.71, sec.13 I(a)
(b) ch.69, sec.1; ch.71, sec.48; ch.71, sec.59

Yes 8. Selecting textbooks (and observing academic freedom)
(a) ch.71, sec.48; ch.71, sec.59
(b) ch.69, sec.1; ch.71, sec.50

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks
(a) ch.71, sec.48
(b) ch.71, sec.13 I; ch.69, sec.1

Yes 10. Financing acquisition by rent or purchase
(a) ch.71, sec.13 H
(b) ch.71, sec.48; ch.41, sec.103; ch.43, sec.29

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel
~~(a)~~ Nothing specific
(b) ch.71, sec.13 F; ch.71, sec.59; ch.69, sec.1; ch.72, sec.8

Yes 12. Distributing AV aids
(a) ch.71, sec.13 I(b)
(b) ch.71, sec.13 I; ch.71, sec.48

Yes 13. Producing AV aids
(a) ch.71, sec.13 I
~~(b)~~ Nothing applicable

Yes 14. Certificating teachers and AV professionals
~~(a)~~ Nothing specific
(b) ch.71, sec.13 I; ch.71, sec.38 G

Yes 15. Prescribing qualifications of using personnel
~~(a)~~ Nothing specific
(b) ch.71, sec.13 F; ch.71, sec.59; ch.69, sec.1

State: Massachusetts

PART IV (continued)

Yes or No

Yes 16. Accrediting schools
(a) Nothing specific
(b) ch.69, sec.1; ch.71, sec.1

Yes 17. Building or remodeling schools to facilitate AV use
(a) ch.71, sec.13 I
(b) ch.71, sec.68; ch.71, sec.16; ch.69, sec.1

Yes 18. Federal aid to schools
(a) Nothing specific
(b) ch.71, sec.13H; ch.70, sec.3

Yes 19. State aid to schools
(a) Nothing specific
(b) ch.71, sec.13H; ch.70, sec.1,2,3,3A,3B

Yes 20. Private aid to schools
(a) Ch.71, sec.13H, ch.71, sec.13F
(b) ch.71, sec.37A

Yes 21. Library programs
(a) Nothing specific
(b) ch.71, sec.48; ch.78, sec.7; ch.78, sec.19A

No 22. Research programs

No 23. Institutes

No 24. Other established procedures

Topic 2 - planning

(a) The Executive Committee for Educational Television has broad power over the whole program of Educational Television for use in the state's elementary and high schools. ch.71, sec.13 I. This includes contracting for and preparing TV programs and doing all things necessary for carrying out the purpose of the committee.

(b) The Commissioner of Education has duties and powers in the administration of the school system, including the duty to distribute information as to "other means of popular education and the best methods of instruction." This might be construed as general authority to provide leadership in the use of AV material. ch.69, sec.1.

The local school committee is empowered to buy and make available under its own regulations, textbooks and also such apparatus and other means of illustration as may be needed. ch.71, sec.48. This could very well include some AV material.

The Superintendent of Schools is the executive officer of the school committee and has the care and supervision of the public schools, including the duty of recommending to the committee courses of study. ch.71, sec.59. The committee and the Superintendent have the direction of the courses of study and supervision of the schools which would seem relevant to planning the use of AV aids.

Topic 3 - curricula

(a) The Executive Committee for Educational Television has broad power over the whole program of Educational Television for use in the state's elementary and high schools. ch.71, sec.13 F to 13 I. This includes preparing programs and doing all things necessary to carry out the purposes of the committee.

(b) 1. Ch.71, sec.1 provides the courses which must be taught in the public schools. The same section gives to school committees the power to authorize the teaching of other subjects deemed expedient by the school committee.

Ch.71, sec.59 refers to the fixing of courses of study by the school committee upon recommendation of the Superintendent of Schools.

2. The Commissioner of Education has duties and powers in the administration of the school system including the duty to distribute information as to the best methods of instruction. This might be authorization for advice to local committees concerning curricula. ch.69, sec.1.

Topic 4 - advising

(a) Nothing specific.

(b) Ch.69, sec.1 would probably give the Commissioner of Education the authority to advise subordinate units on use of AV aids and to publish lists of material available under the duty of distributing information concerning other means of popular education and the best methods of instruction.

Also ch.71, sec.13 I(e) gives the Executive Committee for Educational TV power to do all things necessary to carry out the purpose for which the committee is created.

Topic 5 - organizing units

(a) Ch.71, sec.13 F, 13 I gives the Executive Committee for Educational TV the duty of effectuating the use of TV in schools which would include organizing AV (TV) units and cooperative activities.

(b) The supervisory duties of the Commissioner of Education would probably give him authority to assist and advise in the organization of any AV unit and cooperative activity. ch.69, sec.1.

Topic 6 - conferring

(a) The Executive Committee on Educational TV has authority for this in ch.71, sec.13 I(c). Obtain assistance from, and cooperate with others, including, without restriction, institutions of learning and groups interested in TV broadcasting.

(b) There seems to be no general authority for this specific activity unless it would be under the general scope of authority of the Commissioner. ch.69, sec.1.

Topic 7 - selecting AV aids

(a) the Executive Committee on Educational TV has authority, in carrying out its purpose, to acquire and dispose of real and personal property. ch.71, sec.13 I(a).

(b) The Commissioner of Education has the duty to suggest improvements in the present system of public schools to the general court. This would indicate a duty of recommendation and reporting on the part of the Commissioner concerning any AV aid which schools would benefit from, but were not empowered to obtain. ch.69, sec.1.

Ch.71, sec.48. The school committee may procure such apparatus, reference books and other means of illustration as may be needed. This would seem to be authority which would include AV material.

Under ch.71, sec.59 the Superintendent of Schools would probably exercise an advisory function in the above activity.

Topic 8 - selecting textbooks

(a) The School Committee selects the textbooks, with the recommendation of the Superintendent of Schools. ch.71, sec.59; ch.71, sec.48.

(b) The Commissioner of Education, under ch.69, sec. 1, has the duty of collecting information on the towns' selection of textbooks and may buy such books for the Department of Education, but does not seem to have any authority or control over the selection by the school committees.

A two-thirds majority of the whole school committee is necessary to make a change in the textbooks used in the public schools. ch.71, sec.50.

Topic 9 - acquiring AV aids

(a) Under ch.71, sec. 48 the school committee, at the expense of the town, shall purchase textbooks and other school supplies to be loaned to pupils at the discretion of the school committee. Courts have construed "other school supplies" to mean maps, charts, globes and other apparatus necessary for use in schools. Brine v. Cambridge, 265 Mass. 452, 164 N.E. 619.

The Executive Committee for Educational TV has authority to acquire real and personal property necessary to carry out purposes of the committee. ch.71, sec.13 I. The Commissioner of Education, ch.69, sec.1 has authority to collect in his office such school books, apparatus, maps and charts as may be desirable.

Topic 10- financing acquisition

(a) Ch.71, sec.13 H provides for the establishment of an Educational Television Program Fund to be managed and regulated by the Executive Committee for Educational TV. The fund is to be used for the purposes of the Executive Committee for Educational TV which include the acquisition by purchase or lease of real and personal property necessary to carry out the purposes of the committee.

(b) 1. Ch.71, sec.48 provides for the purchase of textbooks and other school supplies by the school committee at the expense of the town. Other school supplies would probably include AV aids.

2. Under ch.41, sec.103 if a city employs a purchasing agent, then all supplies shall be purchased through this agent acting upon requisition by the school committee.

3. Under ch.43, sec.29 in the city form of government, the mayor or city manager must approve contracts made by the school committee over $1000. value.

Topic 11 - regulating use of AV aids and keeping statistics

(b) Ch.71, sec.13F giving scope of activities of Executive Committee for Educational TV gives that body the authority to act in matters pertaining to educational TV. Presumably this would give them authority to regulate uses of AV aids and keep statistics use and using personnel.

Ch.69, sec.1 might give the Commissioner of Education advisory power on the regulation of use of AV aids and should give him mandate to collect and keep statistics on use and using personnel.

Ch.71, sec.59 indicates that the school committee with recommendation of the Superintendent of Schools would probably have authority to regulate the use of AV aids in the district schools. The Superintendent in this same section is empowered to keep records for the school committee which would seem to cover the statistics on use and using personnel,ch.72, sec.8.

Topic 12 - distribution

(a) The Executive Committee for Educational TV may provide for the disposition of programs throughout the Commonwealth, ch.71, sec.13 I(b).

(b) The Executive Committee for Educational TV, in the authority given it to do all acts and things necessary to carry out its purposes, would probably have authority to distribute AV aids, at least as they were relative to TV, such as receivers, ch.71, sec.13 I.

Under ch.71, sec.48 the school committee is empowered to provide apparatus of illustration to be used in schools. This, presumably, would cover distribution of AV aids.

Topic 13 - producing AV aids

(a) The Executive Committee for Educational TV is empowered to prepare and provide for furnishing of television shows, ch.71, sec.13 I. Certain restrictions are given which would indicate control over the production of TV shows. The restrictions mentioned are in ch.71, sec.13 I and cover advertising and content dealing with religion or politics.

Topic 14 - certificating teachers

(a) Nothing specific.

(b) The Executive Committee for Educational TV has authority to procure personnel for TV programs. This would imply some control over their qualifications but there is nothing specific, ch.71, sec.13 I.

The Board of Education certificates teachers, principals, supervisors, directors, school librarians, superintendents and assistant superintendents of schools. The scope of this certificating authority would probably support the Board's certification of AV professionals if it sought to do so, ch.71, sec.38G. This same section gives school committees leave to prescribe additional qualifications on personnel.

Topic 15 - prescribing qualifications of using personnel

(a) Nothing specific.

(b) Ch.71, sec.13F provides that the course of study in elementary and high schools may include instruction by means of educational programs broadcast through the facilities of television stations. This would indicate no qualification for use other than attendance at school provided the school committee adopted the television as a course of study, ch.71, sec.59.

The Commissioner of Education, with the power to distribute information as to new forms of education, might have advisory power here to suggest certain groups as using personnel, ch.69, sec.1.

Topic 16 - accrediting schools

(a) Nothing specific.

(b) Ch.69, sec.1 - The Commissioner of Education has a duty to collect information relative to the condition of the public schools.

Ch.71, sec.1 gives the statutory specifications as to subjects to be taught and number of days school is to operate annually.

Topic 17 - buildings to facilitate AV use

(a) Ch.71, sec.13 I gives the Executive Committee for Educational TV authority to acquire, construct, hold, lease and dispose of real and personal property.

(b) Ch.71, sec.68 provides that the town shall provide and maintain a sufficient number of school houses. The same section provides that school committees, unless the town directs otherwise, shall have the charge and superintendence of the school houses. This includes keeping them in repair.

Under ch.71, sec.16, a regional school district committee, acting under authority of regional school district, may build or repair schools.

Presumably the authority vested in the towns, the school committees and the regional district school committees would cover building and repair to facilitate AV use.

The Commissioner of Education would seem to have advisory powers on this subject under ch.69, sec.1.

Topic 18 - Federal Aid

(a) Nothing specific.

(b) Ch.71, sec.13H provides for the acceptance of funds from school committees, organizations and individuals for the purposes of Educational TV. Ch.70, sec.3 provides for the disposition of Federal funds available for school purposes and the acceptance of the same by the towns for the use of the school committee is authorized. It would seem to follow that Federal funds may be used for the Educational Television Program Fund.

The same money probably could be used for any other AV program which the school committee undertook.

Topic 19 - State Aid

(a) Nothing specific.

(b) Ch.71, sec.13H provides for the acceptance of funds from school committees, organizations and individuals for the purpose

of Educational Television. Ch.70, sec.1,2,3,3A,3B provide for the grant of State funds to the towns and cities for school use. This money, through the school committee, could be used for the Educational Television Program Fund.

The same money probably could be used for any other AV program which the school committee undertook.

Topic 20 - Private Aid

(a) Ch.71, sec.13H provides for the acceptance of funds from organizations or individuals to be used for Educational Television. Ch.71, sec.13F provides that other educational agencies may participate in the program by a financial contribution.

(b) Ch.71, sec.37A provides that school committees may accept and disperse grants or gifts for Educational purposes from charitable foundations and private corporations. Since the school committees may contribute to the Educational Television Program Fund, such money could be used for this purpose. If the school committee authorized any other AV programs, such money could presumably be used for that purpose.

Topic 21 - libraries

(a) Nothing specific.

(b) Under ch.71, sec.48, the school committee has power to purchase textbooks and other school supplies and loan them to the pupils free of charge. Under the general powers of the school committee would probably be included school libraries, although not specifically mentioned, ch.71, sec.37.

Ch.78, sec.7 provides for town libraries, but nothing in Chapter 78 is specific about schools using the facilities or aids of the town library.

MICHIGAN (1959-60)

Enrollment in full-time public schools:

Elementary	1,253,466
High School	371,781
Number of school districts (including non-operating)	2,099
Number of elementary schools	4,035
Number of high schools (including junior high)	893
Expenditure per pupil in average daily attendance	$423

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960, OE-20006-60, pp. 6-7, 9, 11.

MICHIGAN

County and Independent School Superintendencies

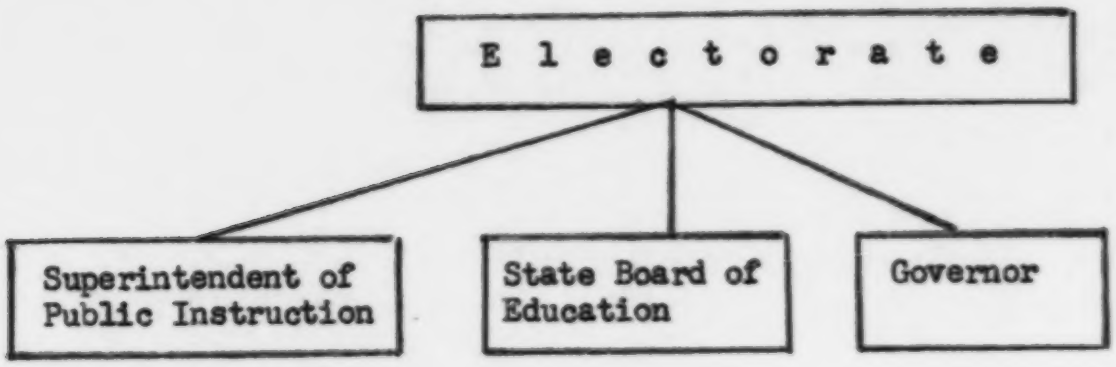
There are 757 school superintendencies in the State: 79 county-intermediate superintendencies, 4 partial county-unit superintendencies, and 674 independent city or town superintendencies. The superintendents in 74 of the 79 county-intermediate superintendencies perform all administrative functions for areas comprised of two or more local districts, each district operating its schools independently. In the remaining 5 counties, the county superintendent performs mainly a service function.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 95.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 88-90.

M I C H I G A N

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

a. Schools...

State Board of Control for Vocational Education.--Consists of 4 ex officio members--the superintendent of public instruction, the president of the State board of education, the president of the University of Michigan, and the president of Michigan State College. The superintendent of public instruction serves as the executive officer of the board.

b. Supplementary programs

State Tenure Commission (administrative).-- Consists of 3 persons appointed by the governor for overlapping 3-year terms, 1 being selected each year. Of the appointive members, 1 is a classroom instructor, 1 is a member of the board of education of a graded or city school district, and 1 is neither a teacher nor a school officer. The superintendent of public instruction is ex officio secretary of the commission. He has the power to speak but not to vote on commission business. The commission hears appeals by teachers from decisions of controlling boards in such school districts as have by referendum adopted the provisions of the act establishing the commission.

3. Chief State School Officer

The superintendent of public instruction is elected on a partisan ballot by the qualified voters of Michigan at each regular biennial spring election. He holds office for a 2-year term and is charged with the general supervision of public instruction in the State. He serves (a) as member and executive officer of the board of control for vocational education, (b) as member and secretary of the State board of education, and (c) as member on each board having control of public instruction in a State institution, with the right to speak but not to vote. To qualify for office he must be a graduate of a university, college, or State normal school of good standing, and he must have at least 5 years' experience as a teacher or superintendent of schools.

7. Coordination of the State Education System Through Structure

The superintendent of public instruction is primarily responsible for coordinating the State program of public elementary and secondary education. He is also responsible for the general supervision of all State-operated educational institutions. However, the extent of such supervision is primarily satisfied by reports which the institutions concerned forward to the legislature through the superintendent.

The board of control for vocational education coordinates the State program of vocational education and vocational rehabilitation. The superintendent of public instruction serves as the executive officer of the board.

8. Coordination of the State Education System Through Ex Officio Memberships

The superintendent of public instruction serves as an ex officio member of (a) the board of control for vocational education, (b) the State board of education...

9. Fiscal Coordination

Seven State educational agencies submit budgets to the State budget director. These agencies are: ..... State board of control for vocational education.....Superintendent of public instruction.

The State budget director is appointed by the governor for a 2-year term and is under the supervision of the governor in the exercise of his duties. The governor, with the aid of the budget director, prepares the State budget. The governor holds hearings with representatives of the educational agencies submitting budgets, but he has the authority to reduce, increase, or eliminate specific items in the budget of these agencies and constituent institutions as he sees fit. He incorporates their budgets into the State budget which he submits to the legislature with his budget message.

State: Michigan

Source of information unless otherwise stated: General School Laws, 1959, codified as the "School Code" and compiled by authority of Act 269 of Public Acts, 1955, and 1961 Supplement thereto issued by Superintendent of Public Instruction, 1961 (citations in parentheses are to sections in the "School Code"; those following, without parentheses, are to sections of 1948 Michigan Compiled Laws as amended).

PART I

Educational Organization

State level:

Department of Education: called Department of Public Instruction

how organized: (as office of Superintendent of Public Instruction)

established by: no specific citation found

is it a body corporate: no

State Board of Education: called State Board of Education (its only authority affecting elementary and secondary schools relates to teachers)

established by: (Sec. 11) Constitution Art. XI, Sec. 6

is it a body corporate: yes (Sec. 747) 390.401

composition: 4 members (Sec. 11) Constitution Art. XI, Sec. 6

how selected: popular election, ibid.

is confirmation necessary: no

subject to what control: electorate

to whom reporting: State legislature (Sec. 753) 390.410

term of office: 6 years, staggered (Sec. 11) Constitution Art. XI, Sec.6

Chief state school officer: called Supt. of Public Instruction

office established by: (Sec. 7) Constitution Art. XI, Sec. 2

how selected: popular election, ibid.

is confirmation necessary: no

subject to what control: electorate

to whom reporting: Governor and through him to legislature (Sec. 174f) 340.252

term of office: 2 years (Sec. 7) Constitution Art. XI, Sec. 2

staff and who appoints: Deputies (Sec. 178) 340.256, and assistants, (Sec. 179) 340.257, as deemed necessary and appointed by Supt. of Public Instr.

Other organization or official: called --

State: Michigan

PART I

Educational Organization (continued)

Intermediate level:

Organizational unit: called County School District

how organized: County

composition: All territory of county, less any included in certain separate school districts (Sec. 197) 340.292

is it a body corporate: no

Board of education, if any: called County Board of Education

established by: (Sec. 197) 340.292

is it a body corporate: yes (Sec. 200) 340.295

composition: 5 members (Sec. 197) 340.292

how selected: by secretaries of primary and 4th class districts and president of the boards in other districts in joint meeting called by county superintendent

is confirmation necessary: no (Sec. 199) 340.294

subject to what control: Supt. of Public Instruction (Sec. 174) 340.242

to whom reporting: same, ibid.

term of office: 6 years (Sec. 199) 340.294

Administrative officer of unit; called County Supt. of Schools

office established by: (Sec. 202) 340.297 subsec. (c)

how selected: appointed by County Board, ibid.

is confirmation necessary: no

subject to what control: County Board, ibid.

to whom reporting: County Board, ibid.

term of office: not exceeding 4 years, ibid.

staff and who appoints: as determined and appointed by County Board, ibid.

Other organization: area committee, appointed to make special study, as, when, and in the manner determined by Supt. of Public Instruction following petition signed by 5% of "general electors" as prescribed (Sec. 211) 340.306.

State: Michigan

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Primary school district

how organized: by territory (smallest population)

composition: --

is it a body corporate: Yes (Sec. 241) 340.352

Board of education: called "School electors"

established by: (Sec. 32) 340.23

is it a body corporate: no, district is, supra.

composition: general body of those voters qualified under Sec. 1, Article 3 and Section 4, Article 3 of the Constitution
how selected: not selected, but individuals may be challenged for proof of qualifications at elections and meetings
is confirmation necessary: -- (Sec. 309) 340.512

subject to what control: challenge, as above

to whom reporting: none

term of office: continued residence in district and qualification.
meetings: annual and special as called (Sec. 32) 340.23
Administrative officer of unit: called "Board" consisting of president, secretary, and treasurer (Sec. 37) 340.28
office established by: (Sec. 36) 340.27

how selected: each elected by "school electors" at annual meeting, ibid.

is confirmation necessary: no

subject to what control: electorate, and Supt. of Public Instruction (Sec. 174) 340.242
to whom reporting: "Board" to Supt. of Public Instr. (Sec. 376) 340.612
secretary: to Supt. of Public Instr. (Sec. 40) 340.31
term of office: treasurer makes annual report to "Board"
3 years each (Sec. 36) 340.27 (Sec. 41) 340.32
staff and who appoints: no administrative staff. Contracts with teachers drawn and signed by Secretary and signed by both other members of Board, upon direction of Board (Sec. 39) 340.30.

State: Michigan

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called School District of 4th Class

how organized: from former "graded, township or rural agricultural school districts (Sec. 47) 340.51
composition: territorial (school census 75 to 2,400) (Sec. 49)340.53

is it a body corporate: yes, (Sec. 241) 340.352

Board of education: called Board of Education (President, Secretary, Treasurer, and 2 other members)
established by: (Sec. 51) 340.55

is it a body corporate: no, district is, supra.

composition: 5 members (Sec. 51) 340.55

how selected: elected by voters at annual election or "annual meeting", ibid.
is confirmation necessary: no

subject to what control: electorate, and Supt. of Public Instruction (Sec. 174) 340.242
to whom reporting: Secretary: to Supt. of Public Instr. (Sec.58)340.61
Treasurer: to Board (Sec. 59) 340.62
term of office: Board: to Supt. of Public Instr. (Sec.376)340.612
3 years, staggered (Sec. 51)340.55

Administrative officer of unit: called optional, Supt. of Schools

office established by: (Sec. 63) 340.66

how selected: appointed by Board, ibid.

is confirmation necessary: no

subject to what control: Board, ibid.

to whom reporting: Board and to Supt. of Public Instruction, ibid.

term of office: fixed by Board, not exceeding 3 years, ibid.

staff and who appoints: none mentioned - teachers are recommended by Supt. of Schools, if any, (Sec. 63) 340.66, and are employed by Board (Sec. 332) 340.569.

State: Michigan

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called School Districts of Third Class

how organized: as previously existing or as organized from 4th class district (Sec. 76) 340.102

composition: territorial (school census 2,400 to 30,000) (Sec. 76) 340.102

is it a body corporate: yes (Sec. 241) 340.352

Board of education: called Board of Education

established by: (Sec. 80) 340.107

is it a body corporate: no, district is, supra.

composition: 7 members, ibid., from among whom a president and vice-president must be elected, and a secretary and treasurer may be elected, but these need not be members

how selected: elected from district at large (Sec. 84) 340.111

is confirmation necessary: (Sec. 80)340.107 no

subject to what control: electorate; also Supt. of Public Instruction (Sec. 174) 340.242

to whom reporting: Supt. of Public Instr. (Sec. 91) 340.118 and (Sec. 376) 340.612

term of office: 4 years, staggered (Sec. 80) 340.107

meetings: Monthly and as called by Board (Sec. 84) 340.111

Administrative officer of unit: called Supt. of Schools

office established by: (Sec. 92) 340.119

how selected: appointed by Board, ibid.

is confirmation necessary: no

subject to what control: Board, ibid.; also Supt. of Public Instr. (Sec. 174) 340.242

to whom reporting: Board and to Supt. of Public Instr. (Sec. 92) 340.119

term of office: fixed by Board, not exceeding 5 years, ibid.

staff and who appoints: none mentioned

Other officers: Board authorized, in its discretion, to appoint business manager and fix his compensation (Sec. 91) 340.118.

State: Michigan

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called School districts of 2nd class

how organized: city of 125,000 to 500,000 inhabitants (Sec. 96)340.141

composition: City and annexed territory, if any (Sec. 98) 340.143

is it a body corporate: no, board is, infra; but see (Sec. 241) 340.352 and exception thereto (Sec. 240) 340.351

Board of education: called Board of Education

established by: (Sec. 103) 340.148

is it a body corporate: yes, (Sec. 109) 340.154

composition: 9 members (Sec. 103) 340.148

how selected: elected at large, ibid.

is confirmation necessary: no

subject to what control: electorate; also Supt. of Public Instruction and veto action of President of Board (Sec. 119) (Sec. 174)

to whom reporting: 340.164 340.242
Supt. of Public Instruction (Sec. 174) 340.242, and

term of office: (Sec. 376) 340.612
3 years, staggered (Sec. 103) 340.148

Administrative officer of unit: called Supt. of Schools; office mandatory (Sec. 116) 340.161

office established by: ibid.

how selected: appointed by Board, ibid.

is confirmation necessary: no

subject to what control: Board, ibid.; also Supt. Public Instruction (Sec. 174) 340.242

to whom reporting: same

term of office: as determined by Board, not exceeding 5 years (Sec. 116) 340.161

staff and who appoints: as determined and appointed by Supt., subject to approval of Board, ibid.

Other officer: Board in its discretion may appoint a "fiscal agent", directly responsible to it, and delegate to him, rather than to superintendent, management and control of purchases, contracts, and other business matters, as it determines (Sec. 116) 340.161.

State: Michigan

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called School Districts of 1st class

how organized: city with school census of 120,000 or more (Sec. 123) 340.182

composition: city and annexed territory, if any (Sec. 124) 340.183

is it a body corporate: no, Board is, infra

Board of education: called Board of Education

established by: (Sec. 129) 340.188

is it a body corporate: yes, (Sec. 133) 340.192

composition: 7 members, ibid.

how selected: elected from city, at large

is confirmation necessary: no

subject to what control: electorate; also Supt. of Public Instruction (Sec. 174) 340.242

to whom reporting: Supt. of Public Instruction (Sec. 174) 340.242, (Sec. 376) 340.612

term of office: 6 years, staggered (Sec. 129) 340.188

Administrative officer of unit: called Supt. of Schools

office established by: (Sec. 142) 340.201

how selected: appointed by Board, ibid.

is confirmation necessary: no

subject to what control: Board, ibid., also Supt. Public Instruction (Sec. 174) 340.242

to whom reporting: same

term of office: as determined by Board, not exceeding 6 years (Sec. 142) 340.201

staff and who appoints: as determined and controlled by Board (Sec. 145) 340.204

State: Michigan

PART I

Educational Organization (continued)

Schools

Principals (included in definition of teacher (Sec. 712) 38.71)

appointed by: Board of each district (Sec. 332) 340.569

qualifications: possession of appropriate certificate, ibid.

term of office: after probationary period may be continuous, depending upon contract (Sec. 720) 38.91

Teachers

appointed by: Board of each district (Sec. 332) 340.569

qualifications: possession of appropriate certificate, ibid.

certification: by State Board of Education (Sec. 764) 390.431 under rules prescribed by it.

tenure: after probationary period may be continuous (Sec. 720) 38.91

special assignments: no reference

State: Michigan

Source of information unless otherwise stated: General School Laws, 1959, codified as the "School Code" and compiled by authority of Act 269 of Public Acts, 1955, and 1961 Supplement thereto issued by Superintendent of Public Instruction, 1961 (citations in parentheses are to sections in the "School Code"; those following, without parentheses, are to sections of 1948 Michigan Compiled Laws as amended).

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

By means of Act 269 of the Public Acts of 1955, statutes dealing with education appearing in the 1948 Michigan Compiled Laws, as amended, were rearranged and codified into "The School Code of 1955" and now appear in General School Laws, an official publication of the State of Michigan, revised and printed in 1960 to include all laws of the regular session of the legislature for that year. A supplement to this publication, issued by the Superintendent of Public Instruction, includes all amendments through the 1961 legislative session.

Correspondence and some publications show the name "Department of Public Instruction", but no statutory reference to such a department or to powers conferred upon it has been found. It is obviously the office of the Superintendent of Public Instruction.

A State Board of Education was created by (Section 11), the Constitution, Article XI, Section 6, and is invested with corporate powers (Section 747) 390.401. It is not a true counterpart, however, of the board of education in most of the other States. It has power to review decisions of county boards of education concerning redistricting (Section 292) 340.442, and similar decisions concerning transfer of territory between districts (Section 302) 340.467, as well as decisions of the board of any school district with reference to school bus routes and transportation of pupils (Section 364) 340.600. Under (Section 749) 390.403 and (Section 751) 390.405, the State Board of Education has certain duties connected with prescribing courses of instruction and maintaining training schools for prospective teachers in normal school. And under (Section 764) 390.431 it is authorized to issue teachers certificates, under such administrative rules and regulations as it may adopt. Otherwise all of its duties appear to relate to several institutions of higher learning. The limited scope of its authority with reference to elementary and secondary schools can therefore be passed over in the analysis of the power structure for the operation of such schools.

State: Michigan

PART II - continued (2)

There is great concentration of power in the State Superintendent of Public Instruction, but at the same time considerable autonomy in local districts for operational purposes. Between the State Superintendent and the local school districts, there is an intermediate level of county school districts, each one of which has a board of education, which is a body corporate (Section 200) 340.295, and a county superintendent of schools.

The legislation codifying school laws reclassifies school districts (Section 23) 340.2, of which there are now five kinds: Primary, fourth class, third class, second class, and first class. The basis for difference in classes is the size of the school census or the number of inhabitants in the district. A primary school district is prohibited from operating a high school (Section 346) 340.583, but the Board of Education for a fourth class school district, the next smallest, is authorized to establish a high school following affirmative vote on that question by the school electors of the district (Section 61) 340.64. Otherwise no distinction is made among districts on the basis of level of instruction, and there is no overlapping of local districts such as that found in some States providing for separate high school districts and separate elementary school districts or various combinations of those two levels.

The three smaller types of school districts, primary (smallest), fourth class (75 to 2,400 children of school age) and third class (2,400 to 30,000) children of school age), are evidently the principal concern of the county school districts, which have various ministerial responsibilities. Organizational structure suggests this. Each county school district has a county board of education, which is a body corporate (Section 200) 340.295, and a county superintendent of schools (Section 202) 340.297. In contrast, each of the local districts is itself a body corporate (Section 241) 340.352; the primary school district has only a skeleton "board" (Section 37) 340.28, which performs its own administrative work; a school district of the fourth class has a board of education of five members (Section 51) 340.55, and may but need not have a superintendent of schools (Section 63) 340.66; and a school district of the third class has a board of seven members (Section 80) 340.107, and a superintendent of schools (Section 92) 340.119, for whom no additional staff is provided.

Both organization and powers are more extensive for school districts of the second class (cities with a population of more than 125,000 and less than 500,000 inhabitants), plus any annexed territory, and for school districts of the first class (cities with a school census of 120,000 children of school age), plus any annexed territory. The board of education in districts of these classes is a body corporate, (Section 109) 340.154 for second class, and (Section 133) 340.192, for the first class. In districts of these two classes there is a superintendent of schools (mandatory for the second class) and provision is made appointment of staff members to assist the superintendent, as determined or approved by the board of education. In districts of the second class the board in its discretion may appoint a "fiscal agent", directly responsible

State: Michigan

PART II - continued (3)

to it, and may delegate to him, rather than to the superintendent, management and control of purchases, contracts, and other business matters, as it determines (Section 116) 340.161. Aside from this organizational difference, the statutes give much greater authority in fiscal matters to these two classes of districts for cities than to the smaller districts referred to above.

Numerous sections provide for the change of a district from one class to another and for annexation to or separation from a district, with accompanying adjustment of bonded indebtedness, contractual obligations, and division or merger of assets. Ample provision is made for local vote on questions to change districts, but county superintendents have some ministerial duties in such matters and prior approval of the State Superintendent of Public Instruction must be obtained for consolidation of two or more districts (Section 266) 340.402, and for annexation of one district to another (Section 281) 340.431.

State Level - Superintendent of Public Instruction

Pursuant to (Section 173) 340.251, the Superintendent of Public Instruction has "general supervision of general instruction in all public schools" and in all State institutions of an educational character, including the University of Michigan, Michigan State, and various special and vocational schools.

Among his duties listed under (Section 174) 340.252, are the following:

(a) To visit the State institutions mentioned and meet with their governing boards;

(b) To direct the supervision of county normal training classes;

(c) To require each board of education or the officers thereof to observe the laws relating to schools;

(d) To examine and audit the official records and accounts of any school district and require corrections when necessary;

(e) To require all school districts to maintain school or provide educational facilities for all children residing there and to require school boards to carry out his recommendations relative to the safety of school buildings, equipment, and appurtenances ....

(f) To prepare biennially a report to the governor, for transmittal to the legislature, with full detail on the general educational conditions of the State...

State: Michigan

PART II - continued (4)

(g) To appoint a time and place and proper instructors for a State teachers' institute and for institutes in the several counties in the State;

(h) To do all things necessary to promote the welfare of the public schools and public educational institutions and provide proper educational facilities for the use of the State...

In harmony with this last broad directive, he is authorized under (Section 193) 340.270 to take all necessary steps for compliance with provisions of the National Defense Education Act of 1958 and to expend federal funds made available under that Act for the extension and improvement of the State's educational program. A statute enacted in 1944 and amended in 1949, appearing in (Section 1122-1126) 388.801-388.805, designated the Superintendent of Public Instruction as the State agency to apply to and receive from the federal government grants in aid of the public schools of the State and educational activities in the State, and to provide for the disbursement of funds so received.

The Superintendent of Public Instruction has full authority to appoint, revoke the appointment of, and prescribe the duties of deputy superintendents of public instruction (Section 178) 340.256, and "such assistants as he may deem necessary" (Section 179) 340.257.

Approval of plans for the construction of new school buildings must be obtained in writing from the Superintendent of Public Instruction (Section 927) 388.851. He performs what is perhaps a ministerial duty in apportioning among the various school districts of the State for exclusive support of libraries, the proceeds of fines for the breach of penal laws in the State(Section 516) 340.913.

While under (Section 490) 340.882 the board of each school district "shall select and approve textbooks to be used by the pupils of the schools of its district on the subjects taught therein", (Section 495) 340.887 provides that no board or school official in any school district shall purchase or permit to be used in the schools any textbook which is not listed with the Superintendent of Public Instruction in the manner described in the statute. The statute requires any seller offering a school book for adoption to file copies with the Superintendent of Public Instruction together with a sworn statement of prices. And it prohibits the Superintendent of Public Instruction from listing a book so offered unless the seller enters into a contract with the Superintendent with respect to quality and price of the books. In view of the authority given to the board of each school district to select textbooks to be used, the provision for filing copies of textbooks with the Superintendent of Public Instruction and entering into an agreement with him as described above, is not necessarily a restriction on the free choice of selection by the local districts. The statute might be intended only to protect the districts from improvident buying and to supply the chief state school officer with information on the subject.

State: Michigan

PART II - continued (5)

State and Local Levels - Financing

The educational program for elementary and secondary public schools is financed in part by local taxation and in part by State aid. In the One Hundred and Fifth Report of the Superintendent of Public Instruction (1961), it was stated at page 33:

"Although state assistance to local districts continues to increase, the local district tends to bear an increasing proportion of the total cost of public education."

The Superintendent recommended at page 3 in his Report:

"That in order to relieve the inequitable burden placed upon local property owners in taxes for school support, and in order that all school districts may improve their educational program state school aid be substantially increased."

Pursuant to (Sec. 326) 340.563, "the board of every district shall vote to levy such taxes as may be necessary for all school operating purposes, which shall include but not be limited to school furnishings and all appurtenances, ... teachers' and employees' wages.....and all apparatus, equipment and material which may be necessary in order that the schools may be properly managed and maintained....."

Under (Sec. 327) 340.564, the secretary of every school district is required to file a certified copy of the resolution of the board certifying the taxes to be levied on the taxable property within the district, as approved by the electors of the district, with the city and township clerk of each city and township where the district is located.

The county board of education has certain functions in coordinating budgets of school districts and is preparing and filing with county political authorities its own budget (Sec. 202) 340.297. Taxpayers vote on proposed tax rates required to raise necessary funds at annual elections or meetings for each district under procedures prescribed by the county board or the local boards, (Sec. 216) 340.311 and for cities (Sec. 389) 340.644.

Each local unit is required to prepare its budget for the ensuing year and file it with the county tax allocation board, (Sec. 877) 211.209 and (Sec. 873) 211.205. These and related provisions are contained in the Property Tax Limitation Act of 1933, as amended, (Secs. 869-884) 211.201-211.217, and similar legislation. The local political machinery is used for collecting taxes and disbursing funds.

State: Michigan

PART II - continued (6)

The Municipal Finance Act of 1943, as amended, (Secs. 814-868) 131.1-131.2, 132.1-132.4, 133.1-133.8, 134.1-134.8, 135.1-135.10, 136.1-136.17, 137.1-137.3, 138.1-138.2, established the Municipal Finance Commission as a clearing, coordinating and regulatory agency with respect to local bond issues, other obligations, and problems related to them. Local school districts, as well as certain other subdivisions of the State, are authorized to issue bonds in conformity with procedures and limitations established by the Act or by the Commission. Related provisions, authorize school districts to issue bonds for building (Sec. 393) 340.681 upon resolution of the local board of education, favorable vote of taxpayers and other formalities. Similar provisions relate specifically to bond issues by school districts of the 1st class (Sec. 159) 340.218, the second class (Sec. 113) 340.158, and the third class (Sec. 88b) 340.115.

State aid to schools is given by several means. The "Primary School Interest Fund", derived from taxes on railroads, insurance companies, telephone and telegraph companies, inheritances, and similar sources, is apportioned by the Superintendent of Public Instruction among the school districts (Sec. 180) 340.258 and (Sec. 185) 340.263 with a formula for equalization (Sec. 181) 340.259.

There are also Equalization Fund Payments, Primary Supplement Payments, Tuition Payments, Sales Tax Diversions, and Legislative Appropriations (see Report of Superintendent, supra, pp. 130-131). The State Aid Act of 1957, as amended, appearing in General School Laws (Secs. 555-592) 388.611-388.651, appropriated funds for school support, authorized subsequent appropriations, and prescribed the manner of apportioning them and regulating their use.

State Level - Superintendent of Public Instruction - Other Functions and Duties

The leadership function of the Superintendent of Public Instruction is clearly indicated and amply illustrated in his Report, supra. A chart on page 21 of the Report shows the network of committees and organizations, private and official, with which the Superintendent collaborates or which he has established and controls for improving the school system under the broad powers conferred upon him. Many activities are coordinated under the Michigan Curriculum Program in a cooperative effort of citizens, with their organizations, and State committees and agencies.

Such activities provide a forum and numerous local channels for influencing the adaptation of new teaching media to local school requirements. Among these useful institutions are:

Teacher Institutes planned at the State level and called by the Superintendent of Public Instruction, (Sec. 525) 340.933, through the machinery provided by the office of the county superintendents.

State: Michigan

PART II - continued (7)

Area study committees established in counties for ad hoc study of local problems (Secs. 211-213) 340.306-340.308.

Area Curriculum Committees on Secondary Education (Report, supra., p. 20)

Committee on Elementary Education (ibid., p. 41)

Working Committee on Educational Television (ibid., p. 40)

Various period school conferences and in-service workshops (ibid., p. 40)

Local library programs provided for local districts

Intermediate Level - County Districts

The County Board of Education has powers which contribute to this kind of program. Under (Sec. 202) 340.297, it recommends the purchase of library books for all school libraries and of all instructional equipment in school districts not employing a superintendent. Under the same authority, it may furnish services from its staff on a consultant or supervisory basis to any school district employing a superintendent, upon request of the local board. Similarly it may direct, supervise and conduct cooperative educational programs among local school districts in the county requesting this service.

The County Superintendent of Schools, appointed by the county board along with his assistants, has similar duties. Under (Sec. 206) 340.301 he carries out the educational policies of the State and of the county board; supervises the work of assistants and employees of the county board; recommends to the local board of a district without a superintendent the names of teachers to be appointed by it and supervises the work of teachers so appointed, exercising disciplinary power over them; reports to district boards on educational matters; collects fees for county teacher institutes and acts as assistant conductor of them under direction of the State Superintendent of Instruction; files periodic reports with the State Superintendent and performs such additional duties as may be assigned by that official or by the county board.

Both the county board and the county superintendent have administrative duties connected with changing the area or the class of school districts, reporting delinquent taxes in the county, and adjusting budgets and obligations in case of changes in districts, but these are not of immediate concern here except to show the supervisory nature of their functions. They also participate in organizing the area study commissions referred to above.

State: Michigan

PART II - continued (8)

Local Level - General Powers of All Local Districts

As previously indicated, the three smaller classes of districts are corporate entities, the corporate officers of which are members of the local board. The district has various corporate powers including the right to acquire property (for educational purposes, real or personal, by purchase, gift, grant, devise, or bequest, and to dispose of it.

All school districts have obligations to maintain non-segregated schools for pupils in the district (Sec. 244) 340.355, and to provide for teaching certain subjects of a moral or civic nature.

The school board of the three smaller classes of districts are required to invite competitive bids for school construction or repair exceeding $2,000 in cost (Secs. 259-260) 340.370-340.371.

Board meetings must be public and be duly recorded. Although executive sessions are permitted, no final action can be taken in them (Sec. 324) 340.561.

Each board shall vote to levy taxes as may be necessary for all school operating purposes, which shall include but not be limited to school furnishings and all appurtenances..... teachers' and employees' wages.....and all apparatus, equipment and material necessary for proper management and maintenance (Sec. 326) 340.563.

Some other duties are:

To hire and contract with such duly qualified teachers as may be required (Sec. 332) 340.569

To employ such assistants and employees as may be required, prescribe their duties and fix their compensation (Sec. 337) 340.574

To enforce rules for management of schools and care of property (Sec. 341) 340.578

To provide for care and management of libraries established by the school district under (Sec. 510) 340.907 and to purchase such books and apparatus as may be necessary (Sec. 351) 340.588

Each board is required to file an annual report with the Superintendent of Public Instruction (Sec. 376) 340.612, and to file various reports to other authorities on taxes, school attendance and other matters.

In school districts of the second and first classes, where the board of education, instead of the district, is the corporation,

these same obligations apply in general, although there are special provisions for them, such as those relating to the levy and collection of taxes (Secs. 386-392) 340.641-340.647, and other procedures more appropriate to urban centers.

Local Level - Districts of Different Classes

A. Primary Districts. In these, the smallest districts, none of which is authorized to maintain a high school, the "school electors" have powers some of which are exercised by the board of education in larger districts. For instance, when "lawfully assembled.....at each annual meeting", the school electors may appoint a chairman in certain circumstances, adjourn and reconvene, vote a tax for erection or purchase of a school building with site, determine the tax for general school purposes, and authorize and direct the sale of unneeded property -- as well as elect a "board" (Sec. 32) 340.23.

The board consists of 3 members, a president, a secretary, and a treasurer, each of whom is elected to his specific office by the school electors (not by fellow board members) for a term of 3 years overlapping the term of the two other officers (Sec. 36) 340.27. Unlike members of other boards except those for districts of the fourth class, they receive salaries, determined by the school electors at annual meetings (Sec. 42) 340.33. They meet at the call of any one of them.

The separate duties and powers of these officers, as enumerated in (Secs. 38-41) 340.29-340.32, appear to be clearly administrative in character, and no staff is provided to assist them. But when they meet as a board, they must have the general powers of a board of education, as previously described.

B. Districts of the 4th Class. Fourth class school districts, the next in size, follow the pattern of the larger school districts in Michigan and are similar to many in other States. The district is the corporation, with powers already described, but the board of education is similar to boards in larger districts. Members of these boards receive salaries (Sec. 68) 340.71 as in the primary districts, but officers are elected by the board from their own membership. These have various administrative duties, which they perform individually, but when the board meets as a body it has the general powers already described.

If the board appoints a superintendent of schools for the district, as it is authorized to do, supra. he carries out the policies of the board and has specific duties prescribed by (Sec. 63) 340.66, some of which are:

(a) to recommend to the board teachers for appointment and to exercise disciplinary power over them

State: Michigan

PART II - continued (10)

(c) to recommend the best methods of arranging courses of study and the proper textbooks

(d) to report in writing annually to the board and to the Superintendent of Public Instruction on educational interests in the district

(e) to supervise and direct the work of teachers and other employees of the board

(f) to assist the board in all educational matters and to perform such other duties as it may determine.

The board has authority to acquire property and erect buildings and facilities for schoolhouses, libraries, and related purposes (Sec. 74) 340.77.

C. Districts of the Third Class. Third class school districts operate on a larger scale of course than their smaller counterparts. The board elects its own officers either from its membership or not (Sec. 84) 340.111, and all members, except those elected as secretary and treasurer, serve without compensation unless otherwise authorized by the qualified electors of the district.

The board in this class has full authority to acquire and develop property for schoolhouses, libraries, and related purposes, and if necessary to institute condemnation proceedings against private property for such purposes (Sec. 86) 340.113. It has authority to establish grades, schools and departments or courses of study as it deems necessary (Sec. 87) 340.114. It has full authority to establish and maintain a library and museum and operate them through a librarian, employees, and a board of library commissioners appointed by them (Sec. 90) 340.117.

It has the duty, of course, to report annually to the Superintendent of Public Instruction and authority to appoint a business manager (Sec. 91) 340.118, as well as authority to appoint a duly qualified superintendent of schools. This official has duties prescribed (Sec. 92) 340.119, essentially the same as those of his counterpart in a fourth class district but obviously more extensive.

The board also has various budget and fiscal duties under several sections. The "umbrella" clause in one statute conferring powers upon it (Sec. 94) 340.121, subsection (d), reads:

"And in general to do anything not inconsistent with this act which is necessary for the proper establishment, maintenance, management and carrying one of the public schools of such district."

State: Michigan

PART II - continued (11)

D. Districts of the Second Class. School districts of this class are subject to the general school laws of the State (Sec. 102) 340.147, although dissimilar in some respects to smaller districts.

The board of education is a corporation, vested with title to all school property in the district and successor to title held by any predecessor school corporation in the district (Sec. 109) 340.154. It may acquire, hold, and dispose of real and personal property, including that received by gift, devise or bequest, as the welfare of the district may require. It has power to purchase all property, erect and maintain all buildings, purchase all personal property, employ and pay all persons, and "do all other things in its judgment necessary for the proper establishment, maintenance, management and carrying on of the public schools of the city", may adopt by-laws, rules and regulations, and has power to raise money, borrow, and incur indebtedness (ibid.). Detailed provisions on power to borrow money and issue bonds are contained in (Sec. 113) 340.158.

Under detailed provisions of (Sec. 114) 340.150, the board is required to make estimates for its various requirements, earmarked for special purposes, adopt a budget, determine the amount of tax levy necessary to meet it, and certify that amount to the city. The city government then apportions the taxes, assesses and collects them with other city taxes, and turns over to the school board its portion of the total taxes collected, on a percentage basis (ibid.).

The board is required, under (Sec. 116) 340.161, to employ on its terms a duly qualified superintendent of schools who "shall have the executive management and administrative control of the school system under the policies adopted by the board.....". No other authority for him is described, except that he may employ administrative assistants and fix their salary, subject to board approval. Such assistants are responsible to him. However, the board may in its discretion employ a "fiscal agent", responsible either to it or to the superintendent as it determines (ibid.).

E. Districts of the First Class. The board, like that for districts of the second class, is a corporation with title to all school property, and power to control, add to and dispose of it, exercise eminent domain, and employ all necessary persons. It also has power to "do all other things in its judgment necessary for the proper establishment, maintenance, management, and carrying on of the public schools" and protect school property (Sec. 133) 340.192.

Under (Sec. 137) 340.196, requirements and procedures, similar to those applying to boards of second class districts, are prescribed for boards of the first class in preparing estimates and budgets, certifying the tax to be levied, and receiving from city officials the appropriate share of taxes collected by them.

State: Michigan

PART II - continued (12)

The board has the power to appoint a qualified superintendent of schools (Sec. 142) 340.201, on conditions provided in its by-laws, but there is no statutory description of powers and duties of this official even in general terms.

The board has a number of other powers, some of which are relevant here:

(a) to sell textbooks and school supplies to pupils, or in its discretion to furnish them free (Sec. 144) 340.203

(b) to exercise full power over its teachers, subject to certification requirements, and over all other employees, specify their duties and fix the qualifications necessary for any position (Sec. 145) 340.204

(c) to establish and maintain a liberal arts college and professional colleges (Sec. 152) 340.211, et seq.

(d) to issue bonds under (Sec. 159) 340.218 or under an additional procedure (Sec. 167) 340.225a.

(e) to borrow money subject to control formulas (Sec. 172) 340.230.

State: Michigan

Source of information unless otherwise stated: _____

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PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

No statutes or regulations have been found dealing specifically with these subjects. However, under general authority referred to elsewhere, there is considerable activity in the Michigan schools in the use of audio-visual teaching aids. This is reflected in the One Hundred and Fifth Report of the Superintendent of Public Instruction, Lansing, Michigan, 1961.

For instance, on page iii of the Report, it appears that in the Department Services, of the Office of the Superintendent of Public Instruction, there is a Publications and Visual Aids subdivision. The activities of this section are described on page 34, in part, as follows:

> "The publications section is responsible for the production of most of the bulletins, pamphlets, brochures and forms used by the Department of Public Instruction. This material is published for the more than 50 programs in operation in the six major divisions --Administrative Services, Department Services, General Education, Research Services, Vocational Education and Vocational Rehabilitation--and for the National Defense Education Act Programs.....
>
> "This section is also responsible for the preparation of exhibits, displays, illustrations, charts, photographs and graphics. The operation of a mailing service, storage and disbursement of office supplies, the recording of State Board of Education minutes and the furnishing of audio-visual services (film library and equipment loan and operation) for the Department staff also fall within the work of this section."

State: Michigan

PART III - continued (2)

The following quotations from that Report are also relevant.

"Elementary Education.....

Educational Television

Department members serve on the Working Committee on Educational Television, which attempts to coordinate educational television efforts throughout the state. This committee is conducting, with Michigan State University, a one-year study of the status of educational television in Michigan.

The Department also provides an executive secretary to the Northern Michigan Educational Council, an organization of county and local superintendents concerned with improving teacher education in rural areas through a more effective use of newer media of education. The Council recently submitted a plan to the U. S. Office of Education for a three-year grant for a demonstration of the above mentioned teacher-education program.

The Department also has representation on one of the regional committees of the Midwest Program on Airborne Television Instruction."

Instructional Materials

The responsibility for the coordination of instructional materials in curriculum development, including library, audio-visual and educational television, lies with the consultant in elementary education. Staff representation has been provided on the Joint Committee for School Library Development and the Advisory Committee for the State Study for Public Library Development, working with the consultants of the Michigan State Library. An additional responsibility is the care and organization of the textbook library housed in Department offices." (pp. 39, 40-41, 42).

In a discussion of secondary education in the Michigan public schools, the Report states on page 42, among other things:

"Some practices which are becoming more prevalent in Michigan high schools include: ...(2) increased use of testing programs and guidance for all children; (3) increased curricular offerings especially in the fields of science, mathematics and foreign languages -- commensurate improvement has been noted in other curricular areas; (4) increase in research and experimentation in areas that are concerned with teaching through mass media including educational television....." (emphasis added)

In his message of transmittal of the Report to the Governor, the Superintendent stated in the introduction, p.1:

"One of the most significant and important conclusions to have been reached during the past decade was the recognition by many of our citizens that the future existence of this nation and of our free, democratic way of life will depend to a great extent on the ability of our children and

State: Michigan

PART III - continued (3)

young people to cope intelligently with the critical changes wrought by science and technology and, in addition, with their ability to understand with sympathy and compassion the needs and the desires of the other less fortunate inhabitants of the world.

"During the biennium, it has become increasingly apparent that the rapidly expanding educational requirements and demands of this, the second half of the Twentieth Century, have made obsolescent educational programs of five, ten or fifteen years ago."

In the conclusion, among other things, the Superintendent said, p. 15:

"Are we making the best use of our teachers' time today or are there better ways; will our school buildings of the future continue to be similar to those of today, or will they need to be greatly different to allow much more flexibility; and what shall be the place of TV, teaching machines and other new gadgets of this type?

"We must engage in bold, imaginative research in every area of education to make sure we are just as efficient as possible, and that education adjusts to these rapidly changing times just as science and technology has."

State: Michigan

Source of information unless otherwise stated: June, 1960 edition of the General School Laws of the State of Michigan, including the 1961 Supplement

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject.
Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

NO 2. Planning the use of AV aids

YES 3. Preparing curricula
Sections 340.114, 340.583, 390.405, 390.431

NO 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

NO 5. Organizing AV units and cooperative activities

NO 6. Conferring on AV use outside of State educational structure

State: MICHIGAN

PART IV (continued)

Yes or No

NO 7. Selecting AV aids (and observing academic freedom)

YES 8. Selecting textbooks (and observing academic freedom)
Sections 340.66, 340.119, 340.203, 340.881, 340.882, 340.885, 340.887, 340.890, 340.893

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks
Section 340.203

NO 10. Financing acquisition by rent or purchase

NO 11. Regulating use of AV aids and keeping statistics on use and using personnel

NO 12. Distributing AV aids

NO 13. Producing AV aids

YES 14. Certificating teachers and AV professionals
Sections 340.204, 340.851, and 390.431

YES 15. Prescribing qualifications of using personnel
Sections 340.66, 340.119, 340.204, 340.253, 340.301.

State: MICHIGAN

PART IV (continued)

Yes or No

YES 16. Accrediting schools
Section 304.251 (See Part II.)

YES 17. Building or remodeling schools to facilitate AV use

Sections 340.26, 340.199, 388.351, 340.578

YES 18. Federal aid to schools

Sections 388.801, 388.803.

Yes 19. State aid to schools

Sections 388.618, 388.625, 388.626, 388.638, 388.644

YES 20. Private aid to schools

Sections 340.166, 340.216, 390.419, 340.605

YES 21. Library programs

Sections 340.77, 340.163, 340.297, 340.588, 340.901, 340.902, 340.903, 340.907

YES 22. Research programs

Sections 340.307, 390.420, 340.306

YES 23. Institutes

Sections 340.933, 340.938

____ 24. Other established procedures

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Source of information unless otherwise stated: June, 1961 edition of the General School Laws of the State of Michigan, including the 1961 Supplement.

PART IV (Cont.)

No. 3- Among the powers granted to a School Board of a Third Class District is the authority to establish and carry on such courses of study, as it shall deem necessary. This language is found in section 340.114. However, section 340.583 states that every Board shall determine the courses of study to be pursued. The State Board offEducation is directed by section 390.405 to provide all necessary courses of study for the normal schools. Similar language is found in section 390.431. It is the Superintendent in the Third Class District who recommends the course of study to the Board, according to section 340.66(c).

No.8- A Fourth Class School District Superintendent is directed by section 340.66(c) to recommend to the District Board the proper textbooks. A similar function is performed by the Superintendent in a Third Class School District pursuant to section 340.119(d). However, section 340.881 permits the Board of any District to purchase textbooks. These Boards are also supposed to select and adopt the textbooks to be used, accerding to section 340.882. After this is done section 340.885 directs the Boards to furnish 1 copy to each schoolhouse.

No Board or school official is permitted to purchase, adopt, or allow to be used any school textbook which has not been listed with the Superintendent of Public Instruction. As though to emphasize the point, almost identical language is used in section 340.890, ~~I would say that this is far from permitting academic freedom.~~ See Part II

Section 340.893 only seems to be additional authority for the school districts to purchase directly from publishers.

No. 9- It appears that the only Boards who may furnish or sell supplies to pupils are those found in the First Class Districts, according to section 340.203. Except, that the Primary School Districts are authorized to equip school buildings as is stated in section 340.26.

No.14- Section 340.204 gives Boards within First Class Districts full power over its teachers, except that certification requirements are to be determined by the State Board of Education. These Boards may specify the duties to be performed by either its teachers or any other employees and fix the qualifications necessary., as long as they do not conflict with those of the State. This is the only legal authority for this position. Section 340.851, which refers specifically to teacher certification, only states what is needed.

STATE: MICHIGAN

S PART IV(Cont.)

No.15- Sections 340.66(e) and 340.119(f) in almost identical language direct the Superintendents of the Fourth and Third Class Districts to supervise and direct the work of teachers and other employees of their respective Boards. In the First Class Districts the Boards perform this function pursuant to section 340.204. In the Counties the County Superintendent is directed by section 340. 301(d) to supervise and direct the work of assistants and other employees of the County Board. He also is to supervise and direct the work of all teachers who are not in a school which has a Superintendent. This language is in section 340.301(g).

No.17- The Boards within Primary School Districts are permitted by section 340.26 to purchase or lease sites and to purchase, lease,, acquire, erect, and equip as may be necessary buildings. Before Boards of the First Class Districts can enter into contracts for purchase, erection, or remodeling, the Secretary of the Board must endorse a certificate that there is suffucuent funds. This is in section 340.199. The requirements for construction of school buildings are listed in section 388.851. The provisions are to be interpreted by the Superintendent of Public Instruction, who also must approve the plans. Every Board is authorized to take general care of its schools pursuant to section 340.578. This section also permits the Boards to make and enforce suitable rules and regukations for the general management and preservation of the property.

N No.18- The Superintendent of Public Instruction is the sole state agency for receiving federal funds, according to section 388.801. This section also provides that he may not enter into any agreement to directly or indirectly confer control of the administration of the State schools or courses of study. Whenever Michigan receives federal funds, section 388.803 directs that they be paid to the State Treasurer.

No. 19- Every school district, except those included in sections 388.619 and 388.320, receive their State funds apportioned under section 388.618. Section 3881625 permits districts experiencing financial hardship to receive additional aid, but they must meet the requirements set out in that section. The qualifications for those County districts seeking aid are listed in section 388.626. The State aid is apportioned to the County Treasurers pursuant to section 388.637. They are then required to immediately give notice to the Secretary of each School District in their County, and pay the money to the District Treasurers. Section 388;644 authorizes the uses of State aid. They are limited to salaries, tuition, transportation, lighting, heating, ventilation, the purchase of textbooks and supplies.

No. 20- The State Board of Education is authorized to accept gifts by section 390.419. At the same time any District Board may also accept gifts and the like according to section 340.605. School Districts of the First and Second Class are expressly given

STATE: MICHIGAN

PART IV (Cont.)

the power to accept gifts by sections 340.216 and 340.166.

No. 21- School Districts of the Fourth Class are granted the authority to locate sites, erect, and equip libraries according to section 340.77. Section 340.163 states that Second Class Districts shall receive and devote money for libraries. Among the powers and duties of the County Board of Education enumerated in section 340.297 is to recommend the purchase of library books for all school libraries and of all the instructional equipment in school districts. Section 340.588 provides that whenever any library or museum is established by any school district, its Board shall provide for its care and maintenance. This includes the purchase of books and apparatus. A library may be maintained in each organized township or school district under their respective Boards, according to section 340.901. As though to emphasize the point, section 340.907 explains how school district libraries are to be established. Township libraries are controlled by the Board, who may purchase books pursuant to section 340.902. The Board is also held to account for the care and preservation of the library by section 340.903. That same section permits the Board to make all necessary rules for the management of the library.

No. 22- The State Board is empowered by section 390.420 to conduct research studies relating to the general school problems of the public schools. Area Study Committees are authorized by section 340.306. The are permitted by the Superintendent of Public Instruction upon receipt of a petition and plan from any County or Counties. The functions of an Area Study Committee are listed in section 340.307. They include the study of educational conditions and recommendation of changes in organization, as well as the conferring with school authorities, holding public meetings, and furnishing information concerning conditions and needs of school districts.

MINNESOTA (1959-60)

Enrollment in full-time public schools:

Elementary	503,845
High School	178 093
Number of school districts (including non-operating)	2,581
Number of elementary schools	3,369
Number of high schools (including junior high)	612
Expenditure per pupil in average daily attendance	$427

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

MINNESOTA

County, Independent, Special, Common, and Unorganized Territory School Superintendencies

There are 562 school superintendencies in the State, including 77 county-intermediate, 2 complete county-unit, 8 partial county-unit, and 463 city or town superintendencies. Of the remaining 12 included in this list, 6 are special, 3 are common and 3 are unorganized territory superintendencies.

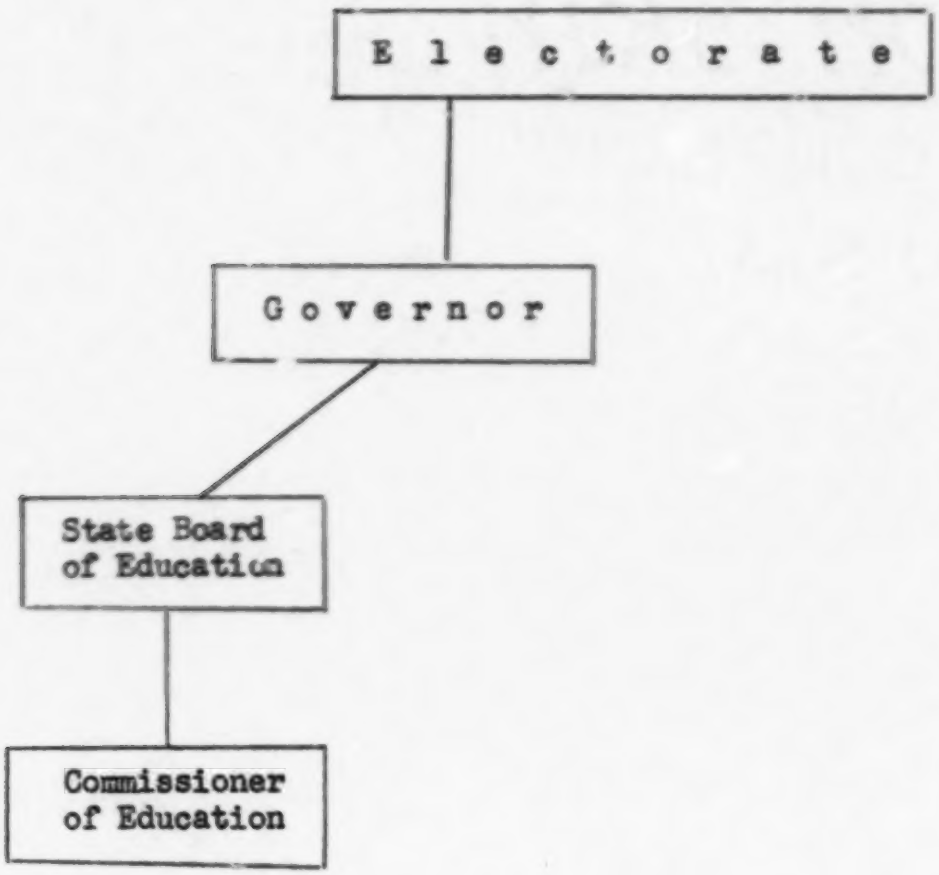
The superintendents in73 of the 77 county-intermediate superintendencies perform all administrative functions for areas comprised of two or more local districts, each district operating its schools independently. In the remaining 4 counties, the county superintendent performs mainly a service function.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 95.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 91-92.

M I N N E S O T A

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

   a. Schools....

      State Board of Education.--Composed of 7 members appointed by the governor, by and with the approval of the senate, for overlapping 7-year terms, 1 member being appointed each year. Members of the board are representative citizens of the State. No more than 1 member resides in any one congressional district at the time of appointment.

   b. Supplementary programs

      State Advisory Commission on School Reorganization.--Composed of 9 members appointed by the State board of education. The commissioner of education is ex officio secretary and executive officer of the commission which assists him in formulating the aims, goals, principles, and procedures of public school reorganization in Minnesota.

3. Chief State School Officer

   The State board of education appoints the commissioner of education who serves as executive officer and secretary of the board and whose term of office is 6 years. The commissioner is a person who possesses educational attainment and breadth of experience in the administration of public education and its finances.

7. Coordination of the State Education System Through Structure

The State board of education is responsible for coordinating the State program of public elementary and secondary education.....

9. Coordination - Fiscal

Three educational agencies submit budgets to the commissioner of administration who is the executive head of the department of administration and the State budget director ex officio. These agencies are the State Board of education,.....The commissioner of administration is appointed by the governor with the advice and consent of the senate. As State budget director, the commissioner of administration is responsible for the preparation of a biennial budget under the supervision of the governor-elect. He makes such revisions and recommendations regarding the budgets of educational agencies as he believes necessary, and he then submits these budgets to the governor for possible revision and approval. Upon the approval of the governor, the budgets of the educational agencies are consolidated with those of other State departments and agencies, which have gone through a similar process, thus forming the proposed State budget. The proposed State budget is presented to the legislature by the governor in his budget message.

State: Minnesota

Source of information unless otherwise stated: Minnesota Statutes Annotated, Volumes 10 and 10A, 1960 (West Publishing Company) with 1960 Pocket Part

PART I

Educational Organization

State level:

Department of Education: called State Department of Education

how organized:

established by: Sec. 121.02

is it a body corporate: no

State Board of Education: called State Board of Education, Sec. 121.02

established by: Sec. 121.02

is it a body corporate: no

composition: 7 members, Sec. 121.02

how selected: appointed by governor, Sec. 121.02

is confirmation necessary: with approval of senate, Sec. 121.02

subject to what control:

to whom reporting: Governor, Sec. 121.13

term of office: 7 years, Sec. 121.02

Chief state school officer: called Commissioner of Education, Sec. 121.08

office established by: Sec. 121.08

how selected: appointed by State Board of Education, Sec. 121.08

is confirmation necessary: no

subject to what control: State Board of Education

to whom reporting: State Board of Education

term of office: 6 years, Sec. 121.16

staff and who appoints: Commissioner appoints staff with approval of State Board, Sec. 121.16

Other organization or official: called

State: Minnesota

PART I

Educational Organization (continued)

Intermediate level:

Organizational unit: called **County School District**

how organized:

composition:

is it a body corporate:

Board of education, if any: called **County School Board, Sec. 128.01**

established by:

is it a body corporate:

composition: **5 members, Sec. 128.01**

how selected: **elected, Sec. 128.01**

is confirmation necessary: **no**

subject to what control:

to whom reporting:

term of office: **4 years, Sec. 128.01**

Administrative officer of unit; called **Superintendent of County District,**

office established by: **Sec. 128.06**

how selected:

is confirmation necessary:

subject to what control:

to whom reporting: **Commissioner of Education, Sed. 121.39**

term of office:

staff and who appoints:

State: Minnesota

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Common School District, Sec. 122.02

how organized: from area containing 100 or more school-age children, Sec. 122.11

composition:

is it a body corporate: Yes, Sec. 122.02

Board of education: called School Board, Sec. 123.12

established by: Sec. 123.12

is it a body corporate: no, district is; see above.

composition: 3 members, Sec. 123.12

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office: 3 years, Sec. 123.12

Administrative officer of unit: called

office established by:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints: Board hires teachers, Sec. 123.14, subd. 4

State: Minnesota

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Independent School District, Sec. 122.02

how organized:

composition:

is it a body corporate: Yes, Sec. 122.02

Board of education: called Board of Directors, Sec. 123.33

established by: Sec. 123.33

is it a body corporate: no, district is; see above.

composition: 6 members and 1 ex officio member

how selected: 6 members elected

is confirmation necessary: no

subject to what control:

to whom reporting:

term of office: 3 years, Sec. 123.33

Administrative officer of unit: called Superintendent of Independent School District

office established by: Sec. 123.34

how selected: appointed by Board, Sec. 123.34

is confirmation necessary: no

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: Minnesota

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Special District, Sec. 120.02

how organized: established by charter, Sec. 120.02

composition:

is it a body corporate: yes, Sec. 12202

Board of education: called

established by:

is it a body corporate:

composition:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

Administrative officer of unit: called

office established by:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: Minnesota

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Associated School Districts

how organized:

composition: two or more school districts join for purpose of maintaining secondary schools, Sec. 123.81

is it a body corporate: yes, Sec. 122.02

Board of education: called

established by: District shall be organized and and shall have all powers of Independent School District, Sec. 123.85

is it a body corporate:

composition:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

Administrative officer of unit: called

office established by:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: Minnesota

PART I

Educational Organization (continued)

Schools

Principals

appointed by: Employed by school boards, Sec. 125.12
designated by board as principal, Sec. 125.02

qualifications:

term of office:

Teachers

appointed by: Employed by board, Sec. 123.35 and Sec. 125.12

qualifications:

certification: Authority is vested in the state board, Sec. 125.03

tenure:

special assignments:

State: Minnesota

Source of information unless otherwise stated: Laws Relating to the Minnesota Public School System (St. Paul, Minn., Dept. of Education, 1957, based on Minnesota Constitution and Minnesota Statutes, 1957, and numbered to conform).

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

Constitution

Article VIII. SCHOOL FUNDS, EDUCATION AND SCIENCE. Section 1. Uniform system of public schools. The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the legislature to establish a general and uniform system of public schools.

Sec. 2. Proceeds of school lands to be a perpetual fund. The proceeds of such lands as are or hereafter may be granted by the United States for the use of schools within each township of this State shall remain a perpetual school fund to the State;....

Sec. 3. Public schools in each township to be established. The legislature shall make such provisions, by taxation or otherwise, as, with the income arising from the school fund, will secure a thorough and efficient system of public schools in each township in the State.

Prohibition as to aiding sectarian school. But in no case shall the moneys derived as aforesaid, or any portion thereof, or any public moneys or property, be appropriated or used for the support of schools wherein the distinctive doctrines, creeds or tenets of any particular Christian or other religious sect are promulgated or taught.

Sec. 5. Permanent school funds may be loaned to districts or counties for school purposes. The permanent school funds of the State may be loaned upon interest at the rate of five (5) per cent per annum to the several counties or school districts of the State, to be used in the erection of county or school buildings.

State: Minnesota

PART II - continued

State Board of Education

Sec. 120.01 State Board of Education. A state department of education is hereby created which shall be maintained under the direction of a state board of education composed of seven representative citizens of the state, no more than one of whom shall reside in the same congressional district at the time of his appointment.

The members of the state board of education shall be appointed by the governor, by and with the approval of the senate, for a term of seven years and hold office until their successors are qualified....The board shall hold its annual meeting at the state capitol on the first Tuesday in August. It shall hold quarterly meetings and may hold special meetings on such dates and at such places as it designates.

Sec. 120.023 Contracts with Federal Government. Subdivision 1. Regulations governing. The state board of education shall prescribe regulations under which contracts, agreements, or arrangements, may be made with agencies of the federal government for funds, services, commodities, or equipment to be made available to the public tax-supported schools, school systems and educational institutions under the supervision or control of the state board of education.

Subd. 2. Rules prescribed by state board. All contracts, agreements or arrangements made by public tax-supported schools, school systems or educational institutions under the supervision or control of the state board of education involving funds, services, commodities, or equipment which may be provided by agencies of the federal government; shall be entered into in accordance with regulations prescribed by the said board of education and in no other manner.

Sec. 120.07 Administration; Exceptions. The state board of education shall administer all laws relating to the state commissioner of education, libraries, and other public educational institutions, except such laws as may relate to the state university and to the state colleges.

Sec. 120.11 Functions, Powers, and Duties of Board. Subdivision 1. Prior functions, powers, and duties. All the functions, powers, and duties which were, prior to the passage of Laws 1919, Chapter 334, by law vested in, or exercised by, the state superintendent and his appointees, the state high school board and its appointees, and the state library commission and its appointees are hereby vested in, and shall be exercised by, the state board of education and it shall serve as the state board for vocational education.

Subd. 2. Certificates issued. The state board of education shall, under the laws prescribed therefor, issue all certificates to all persons employed in a public school to give instruction or supervision of teaching.

Subd. 3. High school areas. (1) To facilitate and control the transportation of nonresident pupils, the state board of education shall divide the state into high school areas and the state board shall continue the administration of the legal provisions and regulations regarding areas. Each area shall contain at least one classified public secondary school and such school districts and parts of districts as may conveniently be served by the secondary school.....

State: Minnesota

PART II - continued

(2) The state board of education may formulate such rules as may be necessary for establishing, maintaining, and administering such school areas including kind of petition forms to be used, the final date for filing petitions, defining procedures in processing of petitions, method of conducting hearings and approval of routes served by buses which operate entirely within the school area of the secondary school served.

(3) The state board of education may appoint county advisory committees, composed of superintendents of the secondary schools having territory within the county, an equal number of common school board members and the county superintendent who shall serve as the executive secretary and to assign to them specific duties for assisting in establishing and maintaining the boundaries of the school areas and in the transferring of the territory from one school area to another and in carrying out the rules pertaining to such school areas and the transportation of nonresident pupils.....

Subd. 5. Uniform system of records and of accounting. The state board of education shall prepare a uniform system of records for public schools, require reports from county and other superintendents and principals of schools, teachers, school officers, and the chief officers of public and other educational institutions, to give such facts as it may deem of public value.....

Subd. 6. Visitorial powers and duties. Authorized representatives of the state board of education shall visit the elementary and secondary schools and junior colleges and report their findings and recommendations.

Subd. 7. General supervision over educational agencies. The state board of education shall exercise general supervision over public schools and public educational agencies in the state, classify and standardize public elementary and secondary schools, and prepare for them outlines and suggestive courses of study. The board shall establish rules relating to examinations, reports, acceptances of schools, courses of study, and other proceedings in connection with elementary and secondary schools applying for special state aid.

Subd. 13. Examination and approval of plans and specifications for school buildings. The state board of education shall prescribe rules for school sites and for the mechanical equipment, erection, enlargement, and change of school buildings. All plans and specifications for the erection, enlargement, and change of school buildings shall first be submitted to the state department of education for approval before the contract is let and no new school buildings shall be erected or any building enlarged or changed until the plans and specifications have been submitted to, and approved by, the state department of education.....In all other respects the authority to make rules for public school buildings shall be vested in the state board of education, which shall have power to prepare and furnish to local school boards plans and specifications for school buildings of two classrooms or less.....

State: Minnesota

PART II - continued

Subd. 14. Supervision. The commissioner of education shall supervise the administration of section 120.09 and section 131.13, under such rules and regulations as may be established by the state board of education, which shall prescribe the necessary course or courses in physical and health education, training, and instruction and make such rules and regulations and prepare, or cause to be prepared, published, and distributed any such manual or manuals of instruction, or course or courses of study, or other matter as the state board of education may deem necessary or suitable to carry out the provisions thereof.

Sec. 120.13 Reports by the state board. On October 1 of each even numbered year, the state board of education shall transmit to the governor a report containing a copy of all rules of the board in force during the biennial period.....and such other matters as it may seem advisable to include in such report or as shall be required by the governor.

Sec. 120.14 Recommendations; Budget. The state board of education shall recommend to the governor and legislature such modification and unification of laws relating to the state system of education as shall make those laws more readily understood and more effective in execution; and the state board of education shall prepare a biennial education budget which shall be submitted to the governor and legislature, according to the provisions of law, such budget to contain a complete statement of finances pertaining to the maintenance of the department of education and to the distribution of state aid to public schools.

Sec. 120.16 Conflict of Powers. In case of any apparent conflict between powers, duties, and functions conferred by law upon any educational officer, or person, or board, or commission named in section 120.07 and section 120.11, subdivision 1, and those conferred by this chapter on the state board of education, it shall be conclusively presumed that such powers, duties, and functions belong to the state board of education to be exercised by it under the law and rules of the board.

Sec. 120.56 Allocation of Aid by State Board of Education. Subdivision 1. It is the duty of the state board of education to consider the petitions submitted under sections 120.51 to 120.58 and to award state aid to schools under sections 120.51 to 120.58 to the districts which are most distressed and most in need of assistance for school classroom building construction.....

Sec. 120.58 State Board of Education as State Agency to Accept Federal Aid Moneys. The state board of education is hereby nominated as the state agency which is authorized to accept any and all money provided or made available to this state by the United States in any program which contemplates federal aid for school building construction.

Sec. 130.04 State Board of Education to Issue Certificates. The authority to certify teachers is vested in the state board of education. Certificates shall be issued to such persons as the board finds to be physically competent and morally fit to teach. Qualifications of teachers and other professional employees shall be determined by the state board of education under rules which it promulgates.....

State: Minnesota

PART II - continued

Sec. 134.04 State Department of Education to Furnish List of Books. The state department of education shall from time to time prepare and amend a list of books suitable for school libraries, including dictionaries and other books of reference, histories and works of biography, literature, political economy, agriculture, travel, and science.

State Department of Education

Sec. 120.01 State Board of Education. A state department of education is hereby created which shall be maintained under the direction of a state board of education.....

Sec. 120.04 Organization and Rules. The state board of education is authorized to make complete organization of the department of education and to adopt all necessary rules not in conflict with the provisions of law for the conduct of its affairs; and shall have authority to define the duties of appointees and employees to the end that the educational and business activities of the department of education shall be conducted under reasonable and effective regulations which shall promote the educational interest of the state and safeguard the finances appropriated for the support thereof.

Sec. 120.18 State Circulating Library; Purchase of Books. The state department of education may purchase collections of books, to be the property of the state and used as a state circulating library, from which any town, village, or community may borrow, under prescribed regulations. It may also loan books to individuals residing in areas where other public library service is not available. It shall divide such books into groups to be known as traveling libraries, catalogue and prepare them for circulation, and make rules for the conduct of this business such as shall insure the care, preservation, and safe return of all books loaned. Suitable rooms shall be provided in the capitol for its use.

Sec. 120.19 Librarians, Advice to. The state department of education shall give advice and instruction to the managers of any public library and to the trustees or agents of any village, town, or community entitled to borrow from the collections of books upon any matter pertaining to the organization, maintenance, or administration of libraries. It shall assist, by counsel and encouragement, in the formation of libraries where no library exists and may send its members to aid in organizing the same or in improving those already established.

Sec. 120.20 Statistics; Records; Reports. The state department of education shall keep statistics of the free public libraries of the state and a record of the work done and the books loaned by it, and report the same to the legislature at each regular session thereof, together with a statement of its expenditures relating to such work, the use made of the traveling libraries, and such other matters as it deems proper.

State: Minnesota

PART II - continued

Sec. 134.04 State Department of Education to Furnish List of Books. The state department of education shall from time to time prepare and amend a list of books suitable for school libraries, including dictionaries and other books of reference, histories and works of biography, literature, political economy, agriculture, travel, and science.

Commissioner of Education

Sec. 120.05 Commissioner of Education; Offices. The state board of education shall be provided with suitable offices at the seat of government, and may provide all records, files, and office supplies required in the transaction of its business. It shall have the power to appoint a commissioner of education, and other necessary employees subject to the provisions of the civil service law and the amount appropriated by the legislature for that purpose. The board shall designate the working title of each employee except that of the commissioner of education.

Sec. 120.06 State Commissioner of Education. The state board of education shall elect a state commissioner of education who shall be the executive officer and secretary of the board and whose term of office shall be six years. He shall be a person who possesses educational attainment and breadth of experience in the administration of public education and of the finances pertaining thereto commensurate with the spirit and intent of this chapter. The term of service of the first commissioner of education shall begin August 1st, 1919. The commissioner of education shall have authority to nominate, for approval by the state board of education, such officials and employees as may be necessary to perfect and to maintain the organization of the department of education as recommended by him and as adopted by the state board of education. He shall perform such duties as the law and the rules of the state board of education may provide and be held responsible for the efficient administration and discipline of the various offices and divisions in the organization of the department of education. He shall be required to make recommendations to the state board of education which shall facilitate all of the work of the board, and he shall be charged with the execution of powers and duties which the state board of education may prescribe, from time to time, to promote public education in the state, to safeguard the finances pertaining thereto, and to enable the board to carry out conclusively the provisions of this chapter.

Sec. 120.26 Meetings with School Boards, Superintendents, and Principals. For the purpose of considering matters affecting the interests of public education, the commissioner of education, or his representative, shall, upon notice, meet with the several school board members, county and city superintendents, school principals, and teachers at such times and places in the state as he shall deem most convenient and beneficial.

State: Minnesota

PART II - continued

Sec. 120.27 Teachers Institutes in Counties. The state commissioner of education shall provide for teachers institutes in the several counties of the state for the professional instruction and training of teachers. He shall designate each county for which such institutes are to be held, and the times and places of holding the same. The state board of education shall have authority to employ institute instructors and lecturers for the purposes of conducting such institutes. Each institute shall continue for not to exceed one week. In the discretion of the commissioner and in cooperation with the county superintendent of schools, institute instructors may visit schools in the county for not to exceed four days in connection with any institute.

Teachers Employment Bureau

Sec. 120.21 Teachers Employment Bureau. There is hereby established a bureau for the purpose of securing employment for teachers in the public schools in this state, to be known as the state teachers employment bureau and to be maintained in connection with the department of education under the direction of the state board of education.

Sec. 120.23 Purpose of Bureau; Information. It shall be the purpose of the state teachers employment bureau to furnish to boards, superintendents, principals, or other proper authorities of public schools upon request information regarding teachers and to furnish teachers enrolled with the bureau information relative to vacancies in positions in public schools; but no person connected with the state teachers employment bureau shall be held responsible for nor be understood to vouch for the fitness or success of any teacher who may secure a position in a public school through the bureau nor shall the payment and acceptance of the enrollment fee to be construed as a guarantee for securing through the bureau employment to teach.

County Superintendent of Schools

Sec. 121.01 County Superintendents' Duties. In addition to their other duties, county superintendents shall visit and instruct each school in their counties, except those under the immediate charge of a city or district superintendent, at least once in each term. They shall instruct its teachers; organize and conduct such teachers institutes as they deem expedient; encourage teachers associations; advise teachers and school boards in regard to the best methods of instruction, the most approved plans for building, improving, and ventilating school houses or ornamenting school grounds and of adapting them to the convenience and health exercise of the pupils; stimulate school officers to the prompt and proper discharge of their duties; receive and file all reports required to be made to them; and make a report to the state commissioner of education containing an abstract of such reports, a written statement of the condition and prospects of the schools under their charge, and such other matters as they may deem proper or as may be called for by the state commissioner of education. At the request of the commissioner

State: Minnesota

PART II - continued

of education they shall investigate any contract made by a school district in their counties for rental of schoolrooms, facilities, or transportation of pupils and submit a written report thereof to the commissioner of education. County superintendents shall upon request of the county board of their respective counties promptly investigate, advise, and make recommendations to the county board in proceedings to change boundaries of school districts, and in proceedings to annex land upon petition of a freeholder, and in all other proceedings pending before the county board involving the attachment or detachment of school district territory.

Sec. 121.03 Meetings of District Officers. The county superintendent may call meetings of the district officers of his county at such times and places as may be convenient, to remain in session for one day, for consultation and advice in regard to school statistics, methods or organization of schools, and other matters relating to the educational interests of the public schools.

Sec. 121.05 Reports to Commissioner of Education. The county superintendent shall make such reports as may be required by the state commissioner of education. These reports shall be made on or before dates fixed by the state board of education and shall include tabulated extracts from the reports of the teachers and clerks and such other matters as may be called for in the blanks.

Common School Districts

Sec. 122.024 Boards of Common School Districts. Subdivision 1. The care, management and control of a common district is vested in a board of three members to be known as the school board. The term of office of a member shall be three years, and until his successor qualifies. The board of each common district shall consist of a chairman, a treasurer, and a clerk. The board may by resolution establish a time and place for regular meeting and no notice of such meeting need be sent to any members of the board.

Sec. 122.025 Officers of Common School Districts. Subdivision 1. The chairman, when present, shall preside at all meetings of the board and of the district; countersign all orders upon the treasurer for claims allowed by the board; represent the district in all actions and perform all the duties usually incumbent on such officer.

Subd. 2. The treasurer shall receive and be responsible for all money in the district and disburse the same on orders signed by the clerk and countersigned by the chairman, or other vouchers authorized by law; .....

Subd. 7. The clerk shall keep in books provided for that purpose a record of all meetings of the district and the board.....

State: Minnesota

PART II - continued

Sec. 122.026 General Powers of Common School Districts. Subdivision 1. The board shall have the general charge of the business of the district, the school houses, and of the interests of the schools thereof.

Subd. 2. It shall be the duty and function of the district to furnish school facilities to every child of school age residing in any part of the district.....

Subd. 4. The board shall employ and contract with necessary qualified teachers and discharge the same for cause.

Subd. 5. The board may provide library facilities as part of its school equipment according to the standards of the state board of education.

Subd. 7. The board may purchase all necessary books and school supplies for indigent pupils.

Subd. 8. The board shall furnish free textbooks to all pupils.

Sec. 122.028 Common School Districts, Contracts. Subdivision 1. No contract for work or labor, or for the purchase of furniture, fixtures, or other property, or for the construction or repair of school houses, the estimated cost or value of which shall exceed $1,000, shall be made by the board without first advertising for bids or proposals in some newspaper of the county by two weeks' published notice in the city or village located nearest to the school district in which the contracts are proposed to be let, or some newspaper published in the county seat in such county;....

Subd. 6. The determination of the commissioner disapproving a contract shall be subject to the review of the state board of education, on the petition of the board, made pursuant to its resolution.

Sec. 122.032 Common School Districts, Specific Powers and Duties. Subdivision 4. The board may receive, for the benefit of the district, bequests, donations or gifts for any proper purpose and apply the same to the purpose designated.

Independent School Districts

Sec. 122.037 Boards of Independent School Districts. Subdivision 1. The care, management, and control of independent districts shall be vested in a board of directors, to be known as the school board. The term of office of a member shall be three years and until his successor qualifies. The membership of the school board shall consist of six elected directors together with such ex officio member as may be provided by law.

Subd. 6. The board shall make and when deemed advisable change or repeal rules relating to the organization and management of the board and the duties of its officers.

State: Minnesota

PART II - continued

Subd. 7. The board shall superintend and manage the schools of the district; adopt, modify, or repeal rules for their organization, government, and instruction and for the keeping of registers; and prescribe textbooks and courses of study.

Subd. 10. The board by a two-thirds vote may become a member of the Minnesota School Board Association and appoint one or more of its members to attend its annual meeting.

Sec. 122.038 Officers of Independent School Districts. Subdivision 1. Within ten days after the election of the first board in independent districts and annually thereafter on the first Saturday in July, or as soon thereafter as practicable, the board shall meet and organize by selecting a chairman, clerk, and a treasurer, who shall hold their offices for one year and until their successors are selected and qualify. They may appoint a superintendent who shall be ex officio a member of the board, but not entitled to a vote thereon.

Sec. 122.039 General Powers of Independent School Districts. Subdivision 1. The board shall have the general charge of the business of the district, the school houses, and of the interests of the schools thereof.

Subd. 2. It shall be the duty and the function of the district to furnish school facilities to every child of school age residing in any part of the district. The board may establish and organize and alter and discontinue such grades or schools as it may deem advisable and assign each school and grade a proper number of pupils. The board shall provide free textbooks for the pupils of the district.

Subd. 4. The board shall provide by levy of tax necessary funds for the conduct of schools, the payment of indebtedness, and all proper expenses of the district.

Subd. 5. The board shall employ and contact with necessary qualified teachers and discharge the same for cause.

Subd. 6. The board may employ and discharge necessary employees and may contract for other services.

Subd. 7. The board may provide library facilities as part of its school equipment according to the standards of the state board of education.

Subd. 10. The board shall furnish free textbooks to all pupils.

Sec. 122.041 Schoolhouses and Sites, Independent School Districts. Subdivision 2. The board shall purchase, sell, and exchange school apparatus, furniture, stoves, buses, and other equipment as may be deemed necessary by the board for school purposes.

Sec. 122.042 Independent School Districts, Contracts. Subdivision 1. No contract for work or labor, or for the purchase of furniture, fixtures, or other property, or for the construction or repair of school houses, the estimated cost or value of which shall exceed $1,000, shall be made by the school board without first advertising for bids or proposals in some newspaper of the county by two weeks' published notice in the city or village located nearest to the district in which the contracts are proposed to be let, or some newspaper published in the county seat in such county;.....

State: Minnesota

PART II - continued

Sec. 122.045 Independent School Districts, Specific Powers and Duties. Subdivision 3. The board may receive, for the benefit of the district, bequests, donations, or gifts for any proper purpose and apply the same to the purpose designated.....

Special School Districts

Sec. 122.048 Special School Districts, Laws Applicable. Special districts as now organized shall continue to operate under the special legislation and charter provisions governing them until conversion to independent districts.

Unorganized Territory

Sec. 122.049 Unorganized Territory; County Board of Education, Duties, Powers. Subdivision 1. The power of providing for the education of children of school age residing in any unorganized territory within the state shall be vested in the county board of education for unorganized territory of the county where such unorganized territory is situated.

Subd. 2. The chairman of the board of county commissioners, the county superintendent, and the county treasurer, shall, ex officio, compose the county board of education for unorganized territory in each county. The chairman of the county board shall be the chairman of the county board of education for unorganized territory; the county treasurer shall be treasurer of this board; and the county superintendent shall be the clerk of this board of education.

Subd. 6. It shall be the duty of the county board of education for unorganized territory to furnish school facilities to every child of school age residing in any part of the unorganized territory, either by building school houses, leasing school rooms, transporting the children to the nearest school, boarding the children within convenient distance from a school at the expense of the board, or otherwise, and to provide necessary supplies and text and library books.

Subd. 10. The board of education for unorganized territory shall, annually, on the third Saturday of July, make a levy on all property situated in unorganized territory of the county for authorized school purposes. This tax levy shall be known as the special unorganized school levy and it shall be so spread on the tax lists by the county auditor.

Subd. 11. When not otherwise provided, the powers and duties of the county board of education for unorganized territory shall be the same as those of school boards of independent districts.

State: Minnesota

Part II - continued

Converted School Districts

Sec. 122.59 Converted Districts, Rights and Powers. An independent school district which succeeds a special school district shall exercise all the governmental rights and powers of an independent school district, including the right to sell and convey over all property controlled by the special school district which it succeeds, including all public property within the district acquired for or dedicated to school use whether title is held in the name of the special school district or not. These rights and powers shall extend to all taxes levied for school purposes in the district, and all funds appropriated or dedicated for school use in the calendar year 1949.

Associated Districts

Sec. 122.71 Establishment of Associated School Districts. Subdivision 1. Two or more school districts or portions thereof, contiguous or not, may establish an associated school district without disturbing the organization or powers of any existing district except as herein provided. The associated school district may maintain secondary schools, but may not maintain elementary schools; no member of the associated district shall maintain secondary schools after association.....

Sec. 122.75 Organization, Powers. Upon the establishment of any associated district, it shall be organized as, have all the powers of, and be governed as an independent school district except that it shall be without power to maintain elementary schools and except as in sections 122.71 to 122.83 otherwise provided.

Sec. 122.81 Associated District School Board, Powers. .....Any district included in the associated district may provide seventh and eighth grade education in its elementary facilities, regardless of classification selected by the associated secondary school, except that any district having once discontinued seventh and eighth grade elementary education shall not resume the same, without the approval of the associated district board, so long as it remains a part of the associated district. The board of the district in which the secondary facilities are located may employ jointly with the associated district of which it is a part, a superintendent and such other administrative personnel as may be authorized and necessary.

County School Districts

Sec. 122.061 County School Districts, Continuance, Laws Applicable. Any school district classified as a county school district at the time of the enactment of Laws 1957, Chapter 947, shall continue to operate under the laws now governing it. The provisions of Laws 1957, Chapter 947, relating to independent school districts shall apply to and govern each county school district unless the particular laws governing the county school district provide for the matter, in which case the provisions relating to the county school district shall apply and control.

States: Minnesota

PART II - continued

Sec. 123.24 County School Board; Elections; Terms. The school board of any such county district shall consist of five members, to be elected at the same time and in the same manner as board members in a ten or more townships district, but for a term of four years.....The school board of the county district shall meet within ten days after the appointment by the county board, and thereafter as may be necessary, and organize in the same manner as independent districts and do whatever business is necessary for the best interest of the county district for the ensuing school year and thereafter shall organize at the same time as boards of county commissioners.

Sec. 123.27 Duties of Board. It shall be the duty of the board to furnish school facilities to every child of school age residing in any part of the county district, either by building school houses, leasing schoolrooms, transporting the children to the nearest school, boarding the children within convenient distance of school at the expense of the board, or otherwise, and to provide necessary supplies and text and library books.

When not otherwise provided in section 123.23 to 123.30, the school board of any such county district shall have and exercise all of the powers and be subject to the same laws and regulations as boards of ten or more townships districts, and all laws applicable to ten or more township districts, and all laws applicable to state aid for equalizing educational opportunities in unorganized territory shall apply to the county district including Laws 1921, Chapter 467.

Sec. 123.29 Office of County Superintendent Abolished. Upon the completion of the organization of a county district and the election of a superintendent, the office of county superintendent of schools in the county shall cease to exist from January 1 next following and the functions and duties of the county superintendent of schools shall be performed by the superintendent of the county district.

School Districts in Cities of Fourth Class

Sec. 124.11 Special School Elections in Cities of Fourth Class. Subdivision 1. Supplemental powers. The provisions of the section shall apply to all school districts, however organized, the territorial boundaries of which are coterminous with the territorial boundaries of a city of the fourth class, and are supplementary and additional to all other powers conferred by law on any such school district.

Subd. 2. School board; clerk defined. By the expression "school board," as used herein, is meant the governing body of such school district, however designated, and by the word "clerk," the school district's officer who under any title, performs clerical functions.

Subd. 3. Resolution calling election. The school board of any such school district, shall have authority by resolution to call special elections of such school district, and to cause to be submitted thereat to its electors any proposition or question provided or permitted by law to be submitted to the electors of a school district at a special school election or meeting, including the proposition or question of issuing the school district's bonds under any applicable law.

State: Minnesota

PART II - continued

School Boards - Miscellaneous Powers

Sec. 125.091 Additional Powers of School Board in All Districts. Subdivision 1. Certain districts may sell emergency tax anticipation certificates. Any school district whose tax levy in the year 1947 exceeds $40 per capita of the population of the district according to the last state or Federal census, and in which the Board, by resolution adopted by a two-thirds vote, shall determine that the estimated receipts from all sources during the years 1948 or 1949 will be insufficient for the proper operation of the schools, may issue emergency tax anticipation certificates in an amount not exceeding, in the aggregate, $2.50 per capita of the population of the district in the year 1948 and not exceeding $5.00 per capita of the population of the district in the year 1949; provided, if the population of such district is less than 2,500 it may issue such certificates in an amount equal to $5.00 per capita in each of such years.....

Sec. 125.34 School Districts, Issuance of Bonds for Betterment of Schoolhouses. The school board of any school district in which more than 50 percent of the valuation consists of iron ore may issue bonds for the betterment of schoolhouses not in excess of the following amounts:

(a) In school districts having a population of not more than 6,500, the total amount shall not exceed $85,000;

(b) In school districts having a population of more than 6,500, the total amount shall not exceed $125,000.

Sec. 125.46 Agreements with Districts in Other States. Subdivision 1. The board of any school district with boundaries adjoining another state may enter into an agreement and contract with the school board of a school district in such adjoining state to provide for the joint erection, operation and maintenance of school facilities for both districts upon such terms and conditions as may be mutually agreed upon between such districts in accordance with theprovisions of this section.

Teachers

Sec. 130.01 General Control of Schools. The teacher shall have the general control and government of the school. When more than one teacher is employed in any district, one of the teachers may be designated by the board as principal and shall have the general control and supervision of the schools of the district, subject to the general supervisory control of the board and other officers.

State: Minnesota

Source of information unless otherwise stated: _____

_____

_____

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

No legislation has been found dealing specifically with any items of AV aid listed above or referring to them by other nomenclature. However, the Minnesota Regulations Relating to Education, Cumulative Supplement, July 1, 1959, "Regulations of the Board of Education of the State of Minnesota" contains the following provisions:

Article I: Classification and Distribution of State Aids, Minimum Requirements for All Elementary and Secondary Schools

5005 Library

(b) Materials collection. The instructional materials collection shall consist of an adequate number of appropriate and up-to-date books, films, recordings, models, magazines, pamphlets, film strips, flat pictures, globes, and similar materials, carefully selected and systematically organized to meet pupil and teacher needs.

(c) Library quarters. There shall be a well-equipped central library room, of a size appropriate to the enrollment, in every graded elementary and secondary school building, plus, in all new school buildings and to the extent possible in existing buildings, the auxiliary space and facilities needed for work storage, viewing, listening and conference purposes. In one and two-room ungraded elementary schools, provision shall be made for a library alcove or corner.

Article XIX: Certificates of Qualifications, Other Professional Employees

5057.5 Audio-Visual Directors and Coordinators

(a) Director's Certificate of Qualifications

1. The Director of Audio-Visual Education is a teacher in charge of the audio-visual program in the entire school system. To qualify for a Director's certificate a person shall meet the following requirements:

State: Minnesota

PART III - continued (2)

(aa) Have a valid teaching certificate based on a four-year degree.

(bb) Have at least two years of successful teaching experience.

(cc) Have earned credits in a course in each of the following areas:

Educational Administration
Elementary School Curriculum
High School Curriculum
Supervision and Improvement of Instruction

(dd) Have earned at least ten (10) semester hours of credit in audio-visual courses, including the areas of Methods, Production Laboratory, Selection and Administration.

2. Any person who has served as a half or full-time director of a school system prior to the effective date of these regulations may offer such successful experience in lieu of credits on the basis of three (3) years of successful experience for any two (2) semester credit course.

3. Beginning with the school year 1962-1963 all persons holding positions as Audio-Visual Directors must meet the above requirements.

(b) Coordinator's Certificate of Qualifications

1. The Coordinator of Audio-Visual Education is a teacher in charge of the audio-visual program in any single building of a school system or in a school system having only one attendance unit. To qualify for a Coordinator's certificate a person shall meet the following requirements:

(aa) Have a valid teaching certificate

(bb) Have a course in each of any two of the areas listed in (a) 1. (cc) above.

(cc) Have at least one course in each of the following areas:

Audio-Visual Methods in Teaching

Audio-Visual Administration

2. Any person who has served as Coordinator in a school building for three(3) years prior to the effective date of these regulations, may offer successful experience in lieu of credits in the areas listed in (b) 1. (cc) above on the basis of two (2) semester credits for each three (3) years of successful experience.

3. Beginning with the school year 1962-63 all persons holding positions as Audio-Visual Coordinators must meet the above requirements.

State: Minnesota

PART III - continued (2)

Article X^A IV: School Buildings and Sites

5087 Construction. Construction details shall conform to accepted good practice for public school buildings. Structural design, plumbing and sanitary facilities, heating and ventilation, electrical work, and provision for visual and auditory comfort and efficiency shall reasonably conform to the recommendations of the State Board of Education stated in the GUIDE FOR EDUCATIONAL PLANNING OF PUBLIC SCHOOL BUILDINGS AND SITES.

State: Minnesota

Source of information unless otherwise stated: Minnesota Statutes Annotated, volumes 10 and 10A, sections 120-143, 1960

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject.
Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

No 2. Planning the use of AV aids

Yes 3. Preparing curricula

123.12 subd.7, 123.33 subd.7

No 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

No 5. Organizing AV units and cooperative activities

No 6. Conferring on AV use outside of State educational structure

State: Minnesota

PART IV (continued)

Yes or No

No 7. Selecting AV aids (and observing academic freedom)

Yes 8. Selecting textbooks (and observing academic freedom)

123.12 subd.7, 123.14 subd.8, 123.35 subd.10

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

123.14 subd 7, 123.15 subd.7, ~~123.33 subd.7,~~ 123.36 subd.8, 121.22, 128.04

Yes 10. Financing acquisition by rent or purchase

123.524

No 11. Regulating use of AV aids and keeping statistics on use and using personnel

No 12. Distributing AV aids

No 13. Producing AV aids

Yes 14. Certificating teachers and AV professionals

121.11 subd. 2, 125.04, 125.05

No 15. Prescribing qualifications of using personnel

State: Minnesota

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

120.05

Yes 17. Building or remodeling schools to facilitate AV use

121.15

Yes 18. Federal aid to schools

121.05, 124.62

Yes 19. State aid to schools

124.08, 124.09, 124.10 subd2, 124.12, 124.14, 124.19, 124.21, 124.39

Yes 20. Private aid to schools

123.19 subd. 4, 123.40 subd.3

Yes 21. Library programs

121.22, 121.23, 123.14 subd.5, 123.35 subd.7, 134.03, 134.07

No 22. Research programs

Yes 23. Institutes

121.20, 121.35 subd.2

No 24. Other established procedures

State: Minnesota

Source of information unless otherwise stated: Minnesota Statutes Annotated, volumes 10 and 10A, sections 120-143, 1960

PART IV(Cont.)

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

Topic 3:

Section 123.12 subd. 7 directs the boards of common school districts to prescribe courses of study. The same authority is conferred on independent school districts by section 123.33 subd. 7.

Note 25 of section 123.12, Op. Atty. Gen., 169-K, Oct. 21, 1949 states that a school board may determine what shall be taught in the schools with the exception of those things which the law forbids.

Topic 8:

Section 123.12 subd.7 also directs the common school district boards to prescribe textbooks. The board then has to furnish free textbooks to all pupils, pursuant to section 123.14 subd. 8. Independent school districts have a similar duty listed in section 123.35 subd.10.

Topic 9:

Section 123.14 subd. 7 permits school boards in common school districts to purchase all necessary books and school supplies for indigent pupils. They board is also authorized by section 123.15 subd. 7 to purchase school apparatus, furniture, and other equipment as may be deemed necessary by the board for school purposes. The same authority is conferred upon independent school districts by section 123.36 subd.2. The Department of Education is empowered by section 121.22 to purchase books and audio-visual recorded educational items. In the case of county school districts, section 128.04 makes the boards responsible for providing necessary supplies and textbooks, as well as library books.

Note 23 of section 123.14, Op. Atty. Gen., 161-B-11, June 12, 1946 states that a county board of education for an unorganized territory may rent out motion picture equipment when it is considered in the interest of the district.

Topic 10:

Section 123.524 permits special school districts to borrow money upon negotiable promissory notes or bonds for school purposes.

State: Minnesota

PART IV (Cont.)

Topic 10: (cont.)

Note 14 of section 123.33, Op. Atty. Gen., 159-B-11, Dec. 17, 1957 reads, "An independent school district has no authority to make a voluntary gift or contribution of its funds for the purpose of operating an educational television station. The school board of an independent school district has authority to contract for the services of educational television programs, however, an arbitrary cost of one dollar per pupil....cannot be used as a basis for determining the cost of the services!"

Topic 14:

Section 121.11 subd.2 empowers the State Board to issue all certificates to all persons employed in a public school for the purpose of instruction or the supervision of teaching. A teacher must have a certificate from the State Board in order to be qualified for performing the service for which he is employed, according to section 125.04. The certificates of qualification are issued by the commissioner as authorized by section 125.05.

The Minnesota Regulations Relating to Education, 1956 Edition contains supplementary material on this subject on pages42 to 65. The cumulative supplement July 1, 1959 also discusses this matter on pages 17 through 26. On page 25 the qualifications for audio-visual directors and coordinators are listed.(See Part III).

Topic 16:

Section 120.05 lists the classifications of schools and some of the requirements for meeting those classifications.

The Minnesota Regulations Relating to Education, 1956 Edition is very helpful here. From page 7 to page 19 this manual discusses the standards and both minimum and special requirements for the schools. On page 7, under heading 5002 Equipment (a) General requirement, as a minimum all classified schools are responsible for supplying textbooks, reference materials, and audio-visual aids, among other things. Additional information on this subject may be found in the July 1, 1959 supplement on pages 3 through 9.

Topic 17:

Section 121.15, already quoted in Part II, makes the State Board responsible for prescribing rules for school sites, mechanical equipment, erection, enlargement, and change of school buildings. All plans and specifications must be submitted for its approval before any work may be contracted for.

These rules may be found in the Minnesota Regulations Relating to Education, cumulative supplement July 1, 1959, Article XXIV entitled School Buildings and Sites, at page 30. This has been noted in Part III.

State: Minnesota

PART IV (Cont.)

Topic 18:

Section 121.05, as has already been explained in Part II, gives the State Board authority to prescribe regulations for any arrangements with the federal government, whether it includes funds, commodities, or equipment. If any of the schools enter into agreement with the federal government, they must do so in accordance with the rules of the State Board. Section 124.62 permits the governor to accept any Act of Congress upon recommendation of the State Board and pending further action by the legislature. Among the purposes for which such Act of Congress may be accepted are the improvement of school library service, purchase of books and instructional material, and the construction of school buildings. The funds, once accepted, are placed in custody of the State Treasurer.

Topic 19:

Section 124.08 establishes the School Endowment Fund, consisting of the income from the Permanent School Fund, and the School Aid Fund, including the sums appropriated by the legislature. The School Endowment Fund is apportioned according to the procedure laid out in section 124.09. A copy of its apportionment is to be furnished to the State Auditor by the State Board, pursuant to section 124.10. That section also provides that the County Auditor is to apportion the money among the districts, and report the amount apportioned to the Commissioner, along with the sources of those funds. The payment of the School Aid Fund is guided by section 124.12. The State Board is directed to supervise its distribution, according to section 124.14. That section also permits the State Board to make rules and regulations for the distribution. Section 124.19 sets out the general requirements for special state aid. Among these are the employment of certified teachers and the holding of teachers institutes.
The Foundation Aid Program is provided for in section 124.21. Section 124.39 creates a Maximum Effort School Loan Fund for the administration of moneys to be received and disbursed as authorized by sections 124.36 to 124.47. In general these appear to be outright loans to educational institutions.

Topic 20:

Section 123.19 subd. 4 authorizes school boards in the common school districts to receive bequests, donations, or gifts for any proper purpose. Section 123.40 subd.3 confers the same power on independent school district boards.

State: Minnesota

PART IV (Cont.)

Topic 21:

The State Department of Education is authorized by section 121.22 to purchase books and audio-visual recorded educational items to be used as a State circulating library. Any town or community may borrow therefrom. Section 121.23 also refers to the State Department. That section directs the giving of advice and instruction to the managers of any public library or any body authorized to borrow books. The Department is also to assist, by counsel and encouragement, in forming libraries. The Common School District School Boards are permitted by section 123.14 subd.5 to provide libraries facilities as part of its school equipment, according to the standards of the State Board. This same authority is granted to Independent School Districts by section 123.35 subd.7. Section 134.03 discusses the establishment of libraries and their organization. Section 134.07 also discusses library reading rooms.

Topic 23:

Section 121.20 authorizes the Commissioner to order and conduct teachers' institutes for professional instruction and training of teachers. Any county board may appropriate county funds for the holding thereof. County Superintendents are directed by section 121.35 subd.2 to organize and conduct teachers' institutes as they deem expedient.

MISSISSIPPI (1959-60)

Enrollment in full-time public schools:	
Elementary	451,921
High School	114,500
Number of school districts (including non-operating)	151
Number of elementary schools	1,338
Number of high schools (including junior high)	606
Expenditure per pupil in average daily attendance	$206

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

MISSISSIPPI

County and Independent School Superintendencies

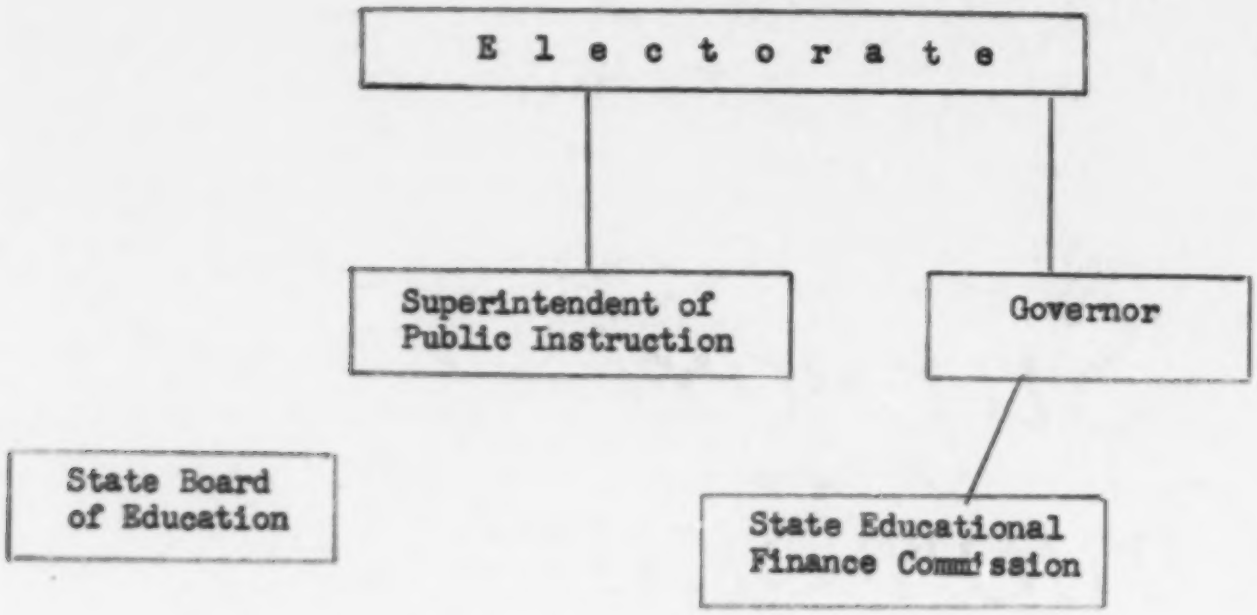
There are 163 school superintendencies in the State, including 30 complete county-unit, 40 partial county-unit, and 12 county-intermediate superintendencies. The remaining superintendencies listed show that 29 are consolidated and 52 are municipal separate school superintendencies. The county superintendent in the 12 county-intermediate counties in the State performs mainly a service function.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 112.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 93-95.

M I S S I S S I P P I

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

a. Schools....

State Board of Education.--Consists of 3 ex officio members--the superintendent of public education, the attorney general, and the secretary of State.

b. Supplementary programs

State Educational Finance Commission(administrative).--Composed of 6 members appointed by the governor, subject to senate confirmation, for overlapping 6-year terms, 2 being appointed every 2 years. No member of the commission may seek any elective public office or accept any other appointive office while serving on the commission. One member is appointed from each congressional district. The commission selects an executive secretary and employs technical, professional, and clerical assistants. The commission (a) distributes and disburses school building funds appropriated by the legislature or otherwise made available, (b) promulgates rules and regulations necessary to carry out its duties, (c) formulates policies and approves or disapproves plans for the location and construction of school buildings, and (d) supervises and assists in making surveys of educational needs.

State Textbook Purchasing Board (administrative).--Consists of 5 members, the governor and the State superintendent ex officio plus e members appointed by the governor, 1 from each of the supreme court districts, for concurrent 4-year terms. Each of the appointive members is an educator of known character and acknowledged ability with at least 5 years of successful experience in the public schools of Mississippi immediately preceding his appointment. In addition, each must be at least 30 years old and a qualified elector of the supreme court district from which appointed.

The board promulgates rules and regulations for the purchase, care, use, disposal, distribution, and accounting for textbooks furnished by the State, and it adopts, contracts for, and purchases basal textbooks through twelve grades.

Rating committees are appointed by the State superintendent of education to assist the board in the process of adopting textbooks. These committees are composed of seven experienced educators selected for each area of the curriculum in which books are to be adopted. Rating committees appraise textbooks and make recommendations for adoption. The board may not adopt any book not recommended by these rating committees.

3. Chief State School Officer

The State superintendent of public education is elected by the people for a 4-year term on a partisan ballot at the same time and in the same manner as the governor.

7. Coordination of the State Education System Through Structure

The State board of education and the State superintendent of public education are jointly responsible for the public elementary and secondary education program.....

8. Coordination of the State Education System Through Ex Officio Memberships

The State superintendent of public education serves ex officio on the State board of education,....and the State textbook purchasing board.

The attorney general and the secretary of State serve ex officio on the State board of education.

The governor serves ex officio on the State textbook purchasing board.

9. Fiscal Coordination

The four State educational agencies which submit budgets to the State budget commission are (a) the superintendent of public education,... The State board of education approves and passes upon those items in the State superintendent's budget relating to vocational education and vocational rehabilitation. The State textbook purchasing board is authorized to defray its expenses, within limitations prescribed by law, out of the State textbook fund.

The State budget commission consists of the governor as ex officio director, the chairman of the State tax commission as ex officio assistant director, and another member appointed by the governor who acts as executive secretary of the commission. The budget commission in its recommendations, or the governor in his recommendations, can make any changes deemed advisable in the budgets submitted by educational agencies. The governor, as a consequence of the composition of the State budget commission and the fiscal powers delegated to him by law, has extensive coordinative authority over the State system of public education.

State: Mississippi

Source of information unless otherwise stated: A Compilation of the School Laws of Mississippi, enacted by the Legislature through the regular session of 1958, Jackson: Department of Education, and 1960 Supplement to the Mississippi School Code.

PART I

Educational Organization

State level:

Department of Education: called State Department of Education

how organized:

established by: Art. 3, sec. 6245-01

is it a body corporate: no

State Board of Education: called State Board of Education

established by: Art. 2, Sec. 203

is it a body corporate: no

composition: Secretary of state, attorney-general, supt. of public education, Art. 2, sec. 203

how selected: see above

is confirmation necessary: no

subject to what control:

to whom reporting:

term of office:

Chief state school officer: called Superintendent of Public Education, Art. 8, sec. 202

office established by: Art. 8, sec. 202

how selected: elected by people, Art. 8, sec. 202

is confirmation necessary: no

subject to what control:

to whom reporting: Legislature, Art. 3, sec. 6245-07

term of office: 4 years, Art. 3, sec. 6245-03

staff and who appoints: Assist. Supt. and other employes appointed by Supt., Art. 3, Sec. 6245-04

Other organization or official: called
State Educational Finance Commission, Art. 3A, sec. 6246-02

State: Mississippi

PART I

Educational Organization (continued)

Local level or indevendent

Organizational unit: called

how organized:

composition:

is it a body corporate:

Board of education: called County Board of Education

established by: Art. 6, sec. 6271-01

is it a body corporate: yes

composition: 5 members, ibid.

how selected: elected, Art. 6, sec. 6271-02

is confirmation necessary: no

subject to what control:

to whom reporting:

term of office: 6 years, Art. 6, sec. 6271-02

Administrative officer of unit: called County Supt. of Education

office established by: Art. 6, sec. 6271-08

how selected: elected, ibid.

is confirmation necessary: no

subject to what control:

to whom reporting: State Board of Education, Art. 6, Sec. 6252-08

term of office: 4 years, Art. 6, sec. 6271-08

staff and who appoints: County Supt. may appoint supervisors, Art. 7, sec. 6252-05

State: Mississippi

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Municipal Separate School Districts, Sec. 6328-21(a)

how organized: Consolidated School Districts Sec. 6328-21(b)

composition: County Wide School Districts Sec. 6328-21(c)

is it a body corporate: Line School Districts - Sec. 6328-51 Interstate Line School District Sec. 6328.57

Board of education: called

established by:

is it a body corporate:

composition: All school districts governed by board of trustees, elected by the people. Sec. 6328-87

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

Administrative officer of unit: called Superintendent of schools

office established by: Sec. 6282-04

how selected: Board of trustees selects superintendent, Sec. 6282-04

is confirmation necessary: no

subject to what control: Board of trustees

to whom reporting:

term of office:

staff and who appoints:

State: Mississippi

PART I

Educational Organization (continued)

Schools

Principals

appointed by: District supt. recommends to board of trustees principals to be employed, Sec. 6282-05

qualifications:

term of office:

Teachers

appointed by: Principal of each school recommends to supt. the teachers to be employed. If supt. approves he

qualifications: recommends them to the board of trustees, Sec. 6282-07

certification:

tenure:

special assignments:

State: Mississippi

Source of information unless otherwise stated: School laws of Mississippi, 1958 with 1960 Supplement

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

Section 6238 along with directing the Board of Education to adopt a course of study, states that the Board "shall regulate all matters arising in the practical administration of the school system, not otherwise provided for."

Section 6245 reads: "There shall be a state department of education which shall consist of a state superintendent of education, an assistant state superintendent of education, a director of the division of finance and administration, a director of the division of instruction, a director of the division of school building and transportation services," etc.

Section 6245-07 provides: The Superintendent of public education shall have the power and it shall be his duty:

1. To supervise in the manner herein provided the public free schools.
7. To have printed in pamphlet form the laws pertaining to the public schools and publish therein forms for conducting school business, the rules and regulations for the government of schools, that he or the board of education may recommend, and such other matters as may be deemed worthy of public interest pertaining to the public schools.
8. To meet the county superintendents annually at such time and place as he shall appoint, for the purpose of accumulating facts relative to schools, to review the educational progress made in the various sections of the state, to compare views, discuss problems, hear discussions and problems relative to examinations and qualifications of teachers, methods of instructions, textbooks, and other matters pertaining to the public school system.
9. To advise the county superintendents upon all matters involving the welfare of the schools, and at the request of any county superintendent to give his opinion on all questions and controversies arising out of the interpretation and construction of school laws, in regard to rights, powers and duties of school officials.

State: Mississippi

Source unless otherwise stated: School Laws of Mississippi 1958 edition with 1960 Supplement

PART II (Cont.)

Section 6245-08 provides: (a) The director of the division of administration and finance shall have charge of and be responsible for(1) the apportionment of state funds as directed by the state board of education;
(b) The director of the division of instruction shall have charge of and be responsible for the supervision of,(1) teacher training, certification and placement; (6) audio-visual education; (9) curriculum services.
(c) The director of the division of school building and transportation services shall have charge of and be responsible for,(1) school plant planning and construction; (2) school building inspection services.

Section 6245-09 reads: "All services, active, administrative, supervisory or consultative not otherwise herein specifically provided for, and all such services that are now or may hereafter be furnished or made available through funds other such as may be appropriated by the legislature of the state of Mississippi, shall be and the same are hereby placed under the supervision of the state department of education. The superintendent of public instruction shall be responsible for the proper administration of each such service, and he shall assign the same to one of the divisions herein provided, selecting in each case the division which can best perform the duties required.

Section 6252-07 states: (a) In addition to all other powers, authority and duties imposed or granted by laws, the county superintendent of education shall have the following powers, authority and duties:

(2) To enforce in the public schools of the county the courses of study provided by law or the rules and regulations of the state board of education, and to comply with the law with reference to the use and distribution of free text books.

(11) To deliver in proper time to the superintendents, principals, teachers and trustees of all districts such forms, records and other supplies which will be needed during the school year as provided by law or any applicable rules and regulations and to give to such principals, superintendents, teachers and trustees such information in regard to their duties as may be required.

(12) To visit all the schools of the county school system at least once during each school year and to require the superintendents, principals and teachers thereof to perform their duties as prescribed by law.

6282-24 : "It shall be the duty of each superintendent, principal and teacher in the public schools of this state to enforce in the

State: Mississippi

PART II (Cont.)

6282-24(cont.)- schools the courses of study prescribed by law or by the state board of education, to comply with the law in distribution and use of free text books and to observe and enforce the statutes, rules and regulations prescribed for the operation of schools."

Section 6328-24 states: The boards of trustees of school districts shall have the following powers, authority and duties in addition to all others imposed or granted by law, to wit:

3. To be the custodians of the school property and to manage, control and care for same;
4. To have responsibility for the erection, repairing and equipping of school facilities and the making of necessary school improvements:
14. To enforce in the schools the courses of study and the use of textbooks prescribed by the proper authorities;
17. To select superintendents, principals and teachers in the manner provided by law;
19. To join in their discretion any association of school board trustees or school boards.

State: Mississippi

Source of information unless otherwise stated: Mississippi School Code (1958) and 1960 Supplement

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

Sec. 6245-01 describing the organization of the state department of education reads as follows: "There shall be a state department of education, which shall consist of a state superintendent of education, an assistant state superintendent of education, a director ofthe division of instruction, a director of the division ofschool building and transportation services, a director of the division ofvocational education, a director of the division of vocational rehabilitation, a director of the division of crippled children, and such supervisors, assistants, or employees as may be necessary for the proper functioning of the above-named divisions."

Sec. 6245-09 reads: "All services, active, administrative, supervisory or consultative not otherwise herein specifically provided for, and all such services that are now or may hereafter be furnished or made available through funds other than such as may be appropriated by the legislature of the state of Mississippi, shall be and the same are hereby placed under the supervision of the state department of education. The superintendent of public education shall be responsible for the proper administration of each such service, and he shall assign the same to one ofthe divisions herein provided, selecting in each case the division which can best perform the duties required. When any such additional service shall be assigned to a division, the director thereof shall thereupon become responsible to the state board of education, through the state superintendent of public education, for the proper administration thereof to the same extent as though such duty were specifically imposed upon him by the terms of this act. In no case shall a new division be created or established other than by legislative action, it being the intent and purpose of this act to abolish dual control within the department of education, and to fix responsibility for the proper administration thereof in the superintendent of public education acting pursuant to the general directions ofthe state board ofeducation./Sources: Laws, 1946, ch.297, § 9./"

These sections are cited in lieu of any specific section made a part of the school laws (as none was found). There is an Office of Supervisor of Audio-Visual Education. See letter from Mr.R.W.Griffith, Assistant Superintendent of Education, State of Mississippi, dated November 30, 1961, in which he stated: "The Legislature of Mississippi on September 1,

State: Mississippi

PART III (Cont'd.)

1945, set up the Office of Supervisor of Audio-Visual Education as a service in the State Department of Education and made an appropriation covering his salary. Since that time, up until the present, Mississippi has had the advantage of such a supervisor who has his own office, his travel expense, his secretary's salary, postage, and other incidentals that go along with the discharge of his duties."

See also "Mississippi School Bulletin Correlating Audio-Visual Materials, Grades 1-6, 1955-1956" and "Mississippi School Bulletin, September, 1956, Number 144, Correlating Audio-Visual Materials, Grades 7-12," both prepared by the Supervisor of Audio-Visual Education and put out by the State Department ofEducation. These compilations indicate that lists of audio-visual materials were prepared with the help ofthe companies that published the State-adopted textbooks.

The above-quoted sections ofthe School Code provide authority for the office established to supervise AV media, under the State Department of Education, although such office and its functions are not referred to specifically in the statute.

(Division of Instruction)

State: Mississippi

Source of information unless otherwise stated: School Laws of Mississippi, 1958 with 1960 Supplement

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject.
Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or
No

Yes 2. Planning the use of AV aids

Section 6245-07(1), 6245-07(8), 6245-09

Yes 3. Preparing curricula

6216-02, 6218-03, 6238, 6252-07(a) (2), 6282-24(23,24), 6328-24(14), 6328-24(2)

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

6235, 6245-07(1), 6245-07(7), 6245-07(8), 6245-07(9), 6328-24(3), 6252-07(a) (13), 6252-07(a) (15)

Yes 5. Organizing AV units and cooperative activities

Same as number 2.

No 6. Conferring on AV use outside of State educational structure

State: Mississippi

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)

6245-09

Yes 8. Selecting textbooks (and observing academic freedom)

6245-07(8), 6328-24(14), 6511, 6634, 6641, 6643, 6646, 6656, 6288-24

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

6274-07, 6642, 6643

Yes 10. Financing acquisition by rent or purchase

6274-07, 6328-55, 6534-07, 6534-08, 6534-09, 6534-10

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel

Same as number 7.

Yes 12. Distributing AV aids

Same as number 7.

No 13. Producing AV aids

Yes 14. Certificating teachers and AV professionals

6245-08(b), 6282-03, 6282-07, 6282-24, 6282-27

Yes 15. Prescribing qualifications of using personnel

Same as number 7.

State: Mississippi

PART IV (continued)

Yes or No

No 16. Accrediting schools

Yes 17. Building or remodeling schools to facilitate AV use

6245-08(c), 6246-08, 6246-11, 6328-24(3), 6328-24(4)

No 18. Federal aid to schools

Yes 19. State aid to schools

6245-10, 6246-01, 6246-02, 6246-08, 6246-09, 6247-01, 6247-03, 6248-05, 6247-05, 6274-03

Yes 20. Private aid to schools

6242,6243

Yes 21. Library programs

6629, 6630, 6631

Yes 22. Research programs

Supplement Pages 83 and 116

Yes 23. Institutes

6580

Yes 24. Other established procedures

6245-09

State: Mississippi

Source of information unless otherwise stated: School Laws of Mississippi, 1958 edition with 1960 Supplement

PART LV (Cont.)

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

Topic 2:

Sections 6245-07(1), 6245-07(8), and 6245-09 can be found in Part II.

Topic 3:

Section 6216-02 lists the curricula of thegrammar and the high schools. It also permits the instruction of musis and art in the discretion of the district board of trustees. The State Board is authorized by section 6216-03 to appoint a Curriculum Committee which is to study the curriculum and make recommendations. From these recommendations the Board adopts the course of study to be used in the public schools, pursuant to its authority to do so as conferred by section 6238. The County Superintendent is then directed to enforce those courses, according to section 6252-07(a) (2). Each su perintendent, teacher and principal is also directed to enforce the courses of study adopted by the State Board. This language is found in section 6282-24. Although section 6328-24(2) permits the district boards of trustees to introduce special subjects, they are also bound to enforce the courses of study selected by a superior agency.

Topic 4:

Section 6235 lists a number of reasons for the removal of County Superintendents by the State Board. They include misconduct in office as well as incompetency. The Superintendent of Public Instruction has a number of supervisory duties. They are all listed in sections 6245-07(1),(7), (8), and (9), all of which may be found in Part II. Other sections which are also included in Part II are 6252-07(a) (13) and (15). The Boards of trustees alsoare directed to visit schools for the purpose of determining what can be done in the way of improvement, according to section 6328-24(6).

Topic 5:

The sections here are identical to those listed under category2.

Topics 7, 11, 12, and 15:

Section 6245-09, which is all important in this area for AV in Mississippi, has been included under PartsII and III.

State: Mississippi

PART IV (Cont.)

Topic 8:

Sections 6245-07(8), 6282-24, and 6328-24(14) can be found in Part II. In addition Section 6511 authorizes the Board of Supervisors of each county and the governing authorities of any municipality constituting a separate school district to provide whatever books are necessary, when a child's parents are unable to do so. Section 6634 establishes the Mississippi State Textbook Purchasing Board. Its powers, according to section 6641, include the right to "promulgate rules and regulations for the purchase, care, disposal, distribution, and accounting for all books." This section also directs the State Superintendent to appoint rating committees to appraise all books offered for adoption and to recommend the books to be adopted to the Board. Section 6643 permits any parent or person to purchase books from the County Superintendent or the authority selling books. The State Textbook Board is directed to adopt and furnish textbooks for use only in those courses selected by the State Board of Education or by legislation. This language is found in section 6646. The policy statement is in section 6656. There it is stated that the law is to furnish a plan for the adoption, distribution, care and useof textbooks.

Topic 9:

Section 6274 reads: "Upon the request of the board of trustees of any two or more school districts in the county school system, the county board of education shall have the power and authority and it shall be its duty to act as the central purchasing agency for the purchase of fuel, supplies, materials, and other articles..." Section 6642 refers specifically to the purchase of textbooks. The State Textbook Fund is explained in section 6648.

Topic 10:

Section 6274-07 makes each school district liable for its pro rata share of the total cost either in proportion to its estimate or in proportion to the amount used. If the money is not forthcoming from the District, the County Board is permitted to pay the cost from the minimum education program. Section 6328-55 makes the County Superintendent of each county responsible for assisting in the preparation of budgets and for reporting to the State Educational Finance Commission. The budgets are to be filed pursuant to the formula outlined in section 6534-07. The trustees of school districts other than municipal separate distrists are also required to submit a budget according to section 6534-08. Municipal separate districts receive their direction with respect to budgets in section 6534-09. Section 6534-10 is concerned with the examination given these budgets by the State Superintendent.

State: Mississippi

PART IV (Cont1)

Topic 14:

Sections 6245-08(b) and 6282-24 have been included in PartII. Section 6282-03 makes it unlawful to be employed in the public schools without a proper certificate. It is the principal who recommends a teacher to the County Superintendent, according to section 6282-07. The State Board of Education has been designated by section 6282-27 as the agency to promulgate rules to govern the issuance of teachers' certificates.

Topic 17:

Sections 6245-08(c), and 6328-24(3) and (4) have been quoted in Part II. Supplementing that information is section 6246-08.. That section authorizes the State Educational Finance Commission to distribute and disburse funds for constructing, improving, equipping, renovating and repairing school buildings or other school facilities. The Commission is also responsible for formulating policies and approving plans for the location and construction of all necessary school buildings. This language is found in section 6246-11.

Topic 19:

Section 6245-10 appoints the State Treasurer as custodian of all funds made available to the State Department of Education not by the State legislature. Section 6246-01 is a declaration of policy that the legislature is dutybound to provide by taxation for a uniform system of public schools. The State Educational Finance Commission is created by 6246-02. The Commission disburses funds appropriated by the legislature according to the limits in section 6246-08. It is also permitted to promulgate rules to carry out its duties by section 6246-09. The State Public School Building Fund created by section 6247-02 is administered by the State Finance Commission according to section 6247-01. In section 6247-03 the formula by which the Building Fund is to be distributed is set out. The Finance Commission is also directed to approve the use of all funds which it distributes. This language is found in section 6247-05. The State funds which make up the Minimum Educational Program are made available in the manner set forth in section 6248-05. In the case of the Minimum Education Program Funds, section 6274-03 provides that the County Boards of Education have full control of the distribution and disbursement, not including that money given to the municipal separate districts.

Topic 20:

Section 6242 authorizes the State Board of Education to receive donations from any source. Section 6243 also permits the State Board to receive land and buildings.

State: Mississippi

PART IV (Cont.)

Topic 21:

Section 6629 authorizes grants by the County Superintendent to public schools seeking to establish libraries. This section limits those grants to a maximum of $250 per year. The County Superintendent is directed to appoint a County Library Commission. That Commission, according to section 6630 is to name a list of books suitable for school libraries. The Commission is also authorized to make rules to govern and control the use of those libraries. Section 6630 also requires the County Superintendent to submit a list of the books purchased to the State Superintendent. Section 6631 authorizes the County Board of Supervisors to appropriate a sum, not to exceed $3,000 per year, toward the support of public libraries. In counties where the population of educable children is over 10,000 they may appropriate no more than $10,000 per annum.

Topic 22:

Senate Concurrent Resolution No. 145 on page 83 of the 1960 Supplement creates an Educational Fact-Finding Committee to study all aspects of tax-supported education in Mississippi. House Bill No. 995 appropriates the money to be used by that Committe.

Topic 23:

Section 6580 makes the State Superintendent responsible for teachers' institutes or summer school, which are to be held each year. He is authorized to appoint people to conduct and teach. The State Department is to prepare outlines and set up regulations for the management of these institutes.

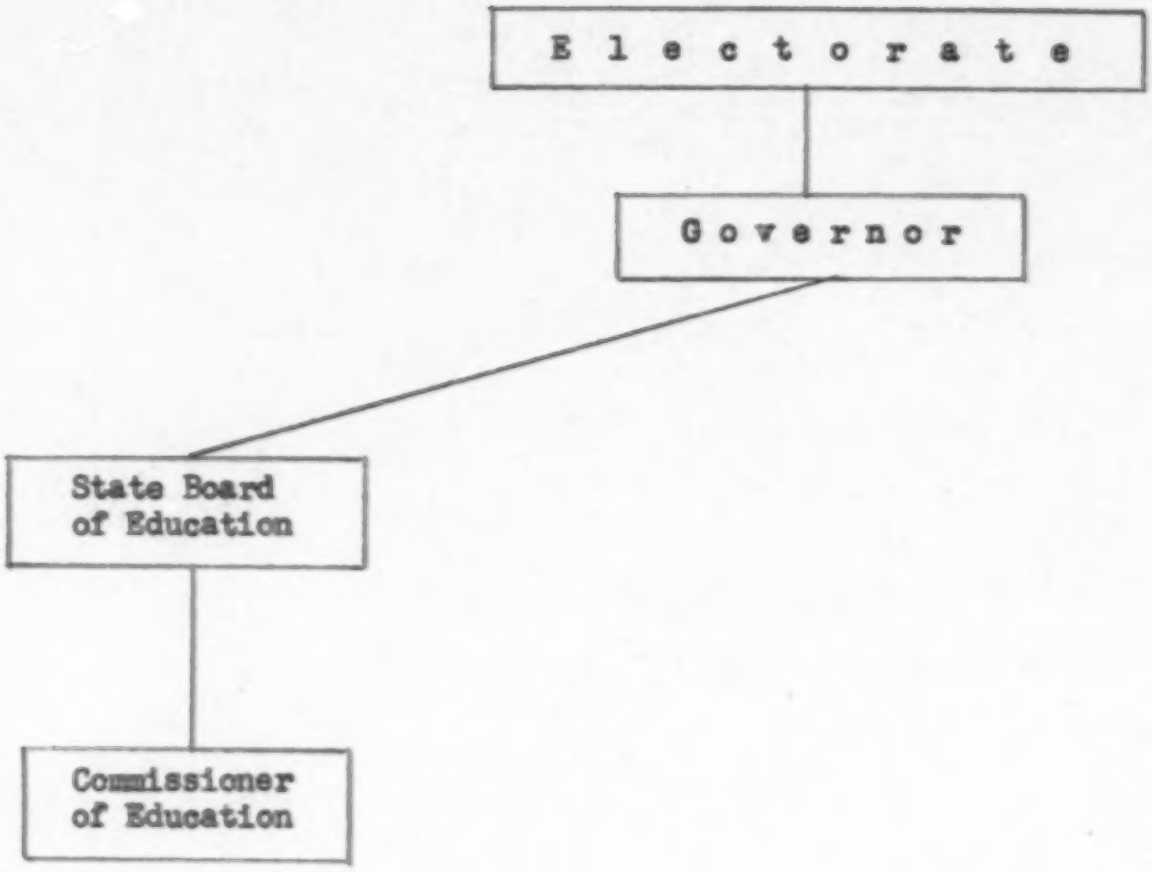
Topic 24:

Section 6245-09 has been included in Part II.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 95-97.

M I S S O U R I

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

a. Schools....

State Board of Education.--Consists of 8 lay members appointed by the governor, by and with the advice and consent of the senate, for overlapping 8-year terms, 1 member being appointed each year. At no time are more than 4 members of the same political party. Members are citizens residing in the State for not less than 5 years immediately preceding their appointment and not more than 1 member is a resident of any single county or congressional district.

b. Suppelementary programs

State Library Board(administrative).--Consists of 5 members, 4 appointed by the State board of education and the State commissioner of education ex officio. The appointed members serve 4-year terms. This board functions as a textbook commission.

3. Chief State School Officer

The State board of education selects and appoints a commissioner of education as its chief administrative officer who serves at the pleasure of the board. To qualify for appointment as commissioner a person must be a citizen and a resident of the State for at least 1 year immediately preceding his appointment and must possess educational attainment and breadth of experience in the administration of public education.

7. Coordination of the State Education System Through Structure

The State board of education is responsible for the coordination of the public elementary and secondary education programs, ...

8. Coordination of the State Education System Through Ex Officio Memberships

The State commissioner of education is an ex officio member of the State Library board.....

9. Fiscal Coordination

Eight educational agencies submit budgets to the governor:

.....State board of education

The budgets are gathered and examined by the comptroller and director of the budget, an appointee of the governor, who may ask for supporting data and request hearings. The budget director submits the budgetary requests and his recommendations to the governor, who alone has the discretionary power to approve, eliminate, or reduce any items. The governor always submits his budget to the legislature with a budget message.

MISSOURI (1959-60)

Enrollment in full-time public schools:

Elementary	624,744
High School	195,980
Number of school districts (including non-operating)	1,921
Number of elementary schools	2,500 (estimated)
Number of high schools (including junior high)	572
Expenditure per pupil in average daily attendance	$344

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

MISSOURI

County and Independent School Superintendencies

There are 666 school superintendencies in the State: 102 county-intermediate superintendencies, 12 partial county-unit superintendencies, and 552 independent city or town superintendencies. The superintendents in 77 of the 102 county-intermediate superintendencies perform all administrative functions for areas comprised of two or more local districts, each district operating its schools independently. In the remaining 25 counties, the county superintendent performs mainly a service function.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 115.

Missouri

(References areto sections of Title XI Education and Libraries of the 1960 Missouri School Laws, unless otherwise stated.)

The State Department of Education is established by section 160.010. It includes the Division of Public Schools and the chief administrative officer is the Commissioner of Education, who is selected by the State Board of Education. Its powers include adopting rules governing its own proceedings, and by a majority vote formulate policies for the guidance of the Commissioner and Division of Public Schools.

The State Board of Education, created by section 160.020, is vested with the supervision of instruction in the public schools. The Board has eight members, appointed by the Governor and confirmed by the Senate. The term of office is eight years. Section 160.060 provides that the Board shall meet semiannually. However, it authorizes the President of the Board to call special meetings. The officers of the Board are elected pursuant to section 160.070, where it says there shall be elected a president, vice-president, and such other officers as it deems necessary.

The duties of the State Board are enumerated in section 160.090. It is directed to select and appoint a Commissioner of Education as its chief administrative officer. His duties are described by the Board. Other duties include; the carrying out of the State's educational policies, directing the investment of all moneys received, grant certificates to teach, classify public schools, and formulate regulations governing the accreditation of schools. These powers appear to be self-explanatory.

The Commissioner of Education, as authorized by the State Board, is directed to confer and advise County and School District officers, teachers, and school patrons on all matters pertaining to school law; visit and supervise schools and make suggestions in regard to subject matter and methods of instruction, the control and government of the schools, and the care and keeping of all school property; attend and assist in meetings of teachers, directors, and patrons; and to seek in every way to elevate the standard and efficiency of the instruction given. All of these duties appear to be significant. Not only do they pertain to advising subordinates and prescribing qualifications of personnel who might use A-V Aids. Teachers' meetings also are closely related to conferring on the use of A-V Aids outside the school system and may be relevant in the area of research programs.

Since the Department of Education is to include, not only the Division of Public Schools, but other Divisions also, the 1961 School Administrator's Handbook may be helpful. At page 20 it is explained that the Division of Public Schools is organized on a functional basis into three coordinated Divisions. They are Administration, Instruction, and Junior College Education. The last is not relevant to the study. On the other hand, the School Administrators Handbook 1961 lists under the Administration Division such subdivisions as School Laws and Finance and Surplus Property. More important is the Division of Instruction. This includes the subdivision

on Teacher Education and Certification, Curriculum, Supervision, Special Education, and NDEA Title III. The complete list is found on page 19. The discussion following indicates that each subdivision is headed by a Director, who reports to the Assistant Commissioner of each agency. The three Assistant Commissioners then are directly responsible to the Commissioner of Education. This language is on page 20 of the School Administrators Handbook.

The section on School Laws and Finance serves as fiscal officer for the Department in the areas of internal fund accounting and over-all budget planning and control.

The Surplus Property section arranges for the acquisition of donable property declared surplus by various federal government agencies and for the distribution of such property to schools, as well as hospitals and Civil Defense Units. This is discussed on page 21 of the Handbook.

Teacher Certification involves what the name implies and little more. However, the section on Curriculum reviews the curricular needs and points toward improving the instructional structure/ program by working through State committees composed of school people from throughout the State. It also publishes curriculum guides and provides in-service training conferences in order to assist not only school administrators and Boards of Education but also teachers.

In the area of school classification and standards of instruction the section of Supervision provides personnel for concultative services to Boards of Education, School administrators, and teachers. These are examples of the more pertinent subdivisions of the Division of Public Schools. The discussion of the last three sections may be found on page 23 of the Handbook.

Section 165.010 indicates the organization of the lower levels of the educational system. There are listed four different school District classes. Those Districts with only three Directors are the Common School Districts; all Districts outside of incorporated cities, towns and villages with six Directors are Consolidated School Districts; and those Districts which have any city of the first, second or third class, or any city organized under a constitutional charter or special charter and has one-thousand but not more than three-thousand inhabitants, are called City School Districts.

According to section 165.207, the government of the Common School District is vested in a Board of Directors of three members, chosen by the qualified voters of the District, and hold their office for three years. Section 165.213 indicates that the Directors elect their own president and select a clerk. The duties of the District Clerk are listed in section 165.220., Generally speaking they are of a record-keeping nature.

The government in the City, Town and Consolidated School Districts is conferred upon a Board of Education by section 165.317. The Board consists of six members who hold their office for three years. They are elected. Pursuant to section 165.313, which states that two directors shall be elected, the Directors hold their office for three years also. These Boards elect a president, vice-president, secretary and treasurer, the latter not necessarily members of the Board, according to section 165.320.

School Districts in cities of 75,000 to 700,000 are governed by a Board of six Directos elected for six years, as provided in sections 165.380 and 165.383. Their officers also include a president, vice-

V

president, secretary and treasurer, according to section 165.390. It is authorized to make all needful rules and regulations for the organization, grading and government of the schools. This power is important in the area of school standardization, and is found in section 165.393. The duties of the Treasurer and Secretary are listed in sections 165.397 and 165.400.

Cities with populations exceeding 700,000 are supervised by a Board of Education of twelve members, as is provided in section 165.563. Their election is to be held pursuant to section 165.570. That section also indicates that they elect a president and vice-president, as well as appoint a Superintendent of Public Instruction, secretary, treasurer, auditor, and any other necessary officer or agent, as long as these latter men are not officers are not members of the Board. The powers of these Boards are enumerated in section 165.580 and include the general supervision, control, governing, and management of the public schools; all powers of administration; make rules and bylaws for its meetings and for the government and regulation of the public schools, as well as for the examination, qualification, and employment of teachers. Section 165.583 states that the Circuit Courts in those cities have jurisdiction over the members of the Board of Education and its officers to require them to account for their official conduct. The Courts may even suspend any officer, when it appears that he violated his trust.

The Superintendent of these cities with more than 700,000 people serves for four years, according to section 165.587. That section also provides that on his nomination the Board appoints as many Assistant Superintendents as it deems necessary. He is to have general supervision, subject to the control of the Board, of the course of instruction, discipline and conduct of the schools, text-books and studies, introduction and changes of text-books and apparatus are to be made on his recommendation with the approval of the Board. All appointments of teachers are to be determined on the basis of merit as ascertained by examination conducted by the Superintendent, under regulations made by the Board.

Section 165.617 states that the Secretary and Treasurer shall hold office for for four years. The language of this section in discussing the powers of the Secretary and Treasurer suggests that both the offices may be held by one man. The general duties relate to the supervision of the Permanent School Fund.

While this discussion is suggestive of the idea that the Boards of Education in cities with a population over 700,000 are independent, section 165.650 dispells the notion. At the close of each school year, this section directs the Boards to publish a report of the condition of its schools.

Section 163.010 states that a Board of Directors or Board of Education has the power to make all necessary rules and regulations for the organization, grading , and government in their school District. The School Administrators Handbook 1961 points out that there is an important difference between the types of School Boards. The Board of Directors of a Common School District is primarily a policy-making body. It must rely on teachers for the execution of those policies, because it does not have a chief administrative officer. On the other hand the Boards of Education have a Superintendent. In order to remedy this deficiency, a County Superintendent is elected for a four year term, pursuant to section 167.010. His duties, as

listed in section 167.040, include the visitation of each school; , the examination of pupil classification, methods of instruction; making suggestions to teachers and school boards as he deems advisable; inspect the buildings, furniture and apparatus; and report to the board with suggestions he considers necessary to the health, comfort and progress of the pupils. Other pertinent sections of the School Laws are 167.070, which directs him to hold annually not fewer than six public meetings at different points to discuss educational questions and counsel teachers and school officers, as well as adopt a course of study and plan for grading the schools, and send a copy to the State Board; section 167.280, wherein it is provided that the Superintendent may organize County Teachers Association with a three day meeting on the last three days of some week in September, October, November, or December, to which all teachers are required to come; Section 168.030 authorizes the County Superintendent to hold examinations for third grade county teaching certificates; 167.110 requires the Superintendent to call meetings once a year for the presidents of the School Boards and the Clerks of the School Districts in the County to consider and discuss questions pertaining to school administration. These powers of the County Superintendent are important when considering such subjects as Conferring on the use of A-V Aids, advising subordinates on the use of A-V Aids, research programs, and perhaps even organizing units for A-V Aids.

In Publication No. 21-H 1961 Tentative Report entitled "Audio-Visual Instruction An Administrative Handbook" it is suggested that the Superintendent with the local Board of Education is expected to exert leadership in solving problems of learning. This means that he must provide adequate facilities, personnel and materials like A-V Aids. However, each school system is encouraged to have a Director of Audio-Visual Education or Audio-Visual Supervisor. This language is found on page 9. The duties of a Director include; the administration of a Department of Audio-Visual Instructional Materials, arrange for the procurement of materials and equipment, supervise distribution of materials, conduct addio-visual demonstrations, publicize and interpret audio-visual concepts to teachers and the public, develop in-service training activities, analyze new materials, prepare a budget, evaluate the overall program, and supervise educational radio and television broadcasting. These and many more are listed on page 10. On page eleven the magazine suggests that each school building have an audio-visual coordinator to assist the Director. Then some of the Coordinator's duties are listed. They include; serving on curriculum committees, supervising materials, helping teachers in the use of materials and equipment, and training teachers to operate the equipment.

Financial Aid to Education

The Missouri State Constitution provides the basis for any legislation in this field. Section 5 of Article IX provides that;

> "The proceeds of all certificates of indebtedness due the state school fund, and all moneys, bonds, lands, and other property belonging to or donated to any state fund for public school purposes, and the net proceeds of all sales of lands and other property and effects that may accrue to the state by escheat, shall be paid into the state treasury, and securely invested under the supervision of the state board of education, and sacredly preserved as a public school fund the annual income of which shall be faithfully appropriated for establishing and maintaining free public schools, and for no other uses or purposes whatsoever."

Then section 7 of that same Article reads;

> "All real estate, loans, and investments now belonging to the various county and twonship school funds, except those invested as hereinafter provided, shall be liquidated without extension of time, and the proceeds thereof and the money now on hand belonging to said school funds of the several counties and the City of St. Louis, shall be reinvested in registered bonds of the United States, or in bonds of the state or in approved bonds of any city or school district thereof, or in bonds or other securities the payment of which are fully guaranteed by the United States, and sacredly preservedaas a county school fund... All interest accruing from investment of the county school fund, the clear proceeds of all penalties, forfeitures and fines collected hereafter for any breach of the penal laws of the state, the net proceeds from the sale of estrays, and all other moneys coming into the said funds shall be distributed annually to the schools of the several counties according to law."

Finally, section 3(a) states that "All appropriations by the state for the support of free public schools and the income from the public school fund shall be paid at least annually and distributed according to law." The problem is that the "law" is far from clear on the subject.

Section 161.180 creates the State Public School Fund, which is to consist of all those moneys listed in Article IX, section 5. The funds may be invested according to the procedure provided in section 161.201. The State Treasurer is the custodian oa all certificates of indebtedness of the State Public School Fund and of all moneys belonging thereto, pursuant to section 161.211. The interest from the certificates and investments belonging to the State Public School Fund is directed by section 161.225 to be paid into the State Treasury and credited to the State School Moneys Fund, created by this same section. All other funds for the support of free public schools shall be credited to the State School Moneys Fund. It is only paid out on those warrants directed by the State Board of Education.

In order for a District to receive State aid it must comply

with section 161.025, which states as minimum requirements that the District operate schools for at least 180 days, maintain adequate records, levies a property tax of at least $1 on each $100 assessed valuation of the District to be used for current school purposes, and computes average daily attendance as provided for in section 161.021. The note following this section indicates that this is the new foundation program. Also it points out that School Boards have discretion in allotting the basic tax rate levied without voter approval to the various funds for general purposes, teachers, incidentals, and building funds.

Once the Districts meet the requirements in section 161.025, they receive an equalization quota, computed in section 161.031. This section also includes a teachers' preparation allowance, and an allowance for non-residents. Section 161.045 provides that not less than eighty per cent of the State school money received under section 161.031 shall be placed in the teachers' fund, and the remaining per cent in the incidental fund.

In order to determine the amount of money each District shall receive, section 161.051 sets out a procedure which must be followed. The Clerk of each District reports to the County Superintendent. He then forwards that report to the State Board of Education, who then calculates the amount each District shall receive. The County Treasurer receives the money, distributes and credits it to the Districts. The County Clerk then apportions to the proper Districts all moneys collected on tax duplicate of any District, all moneys accruing to the Township Interest Fund or County Fund, and all other moneys lawfully coming into the fund for the use of schools in the County.

Other funds which may be used for school revenue are raised on the local and county levels. The tax rates which may be imposed by municipalities, counties, or school districts are limited by Article X, section 11(b) of the Missouri Constitution. However, section 11(c) permits an increase of the tax rate, when the corporation submits the issue to a popular vote. Section 165.080 also discusses the raising of the tax rates.

In section 165.110 are created the funds for the accounting of all school moneys received by a School District. They are the Teachers' Fund, Incidental Fund, Free Text-book Fund, Building Fund, Sinking Fund, and Interest Fund. All are named so that they describe their functions.

Federal Aid

According to section 12.070 of the Missouri Laws all money received from the United States because of National Forest Reserves, 75% is allowed to be designated to the public schools. Section 12.080 also provides that all money received under the Flood Control Act, although expended as directed by the General Assembly, some may be given to the public schools. And Federal Funds to School Districts in federally impacted areas are permitted under Public Law 874.

Other Financial Aid

Section 161.230 authorizes anyone to grant, give, or devise to the State Public School Fund any money, property,, or choses in action. They are to be turned over and delivered to the State Treasurer and disposed of by him.

The Board of Education of any City, town or consolidated District is empowered by section 165.367 to accept and receive gifts and devises for the erection and endowment of libraries and for the purchase of books, and to invest or loan the same.

Financing the Acquisition of AGV Aids

The School Laws of Missouri contain only an indirect reference as to how the moneys are to be expended. That is found in section 165.110. That provision is concerned with the filling out of the proper warrants and with the proper designation thereon.

In Publication No. 21-H 1161 Tentative Report are listed a number of items which may be included in the budget of any District. On page 13 they indicate that the following items are classified in Missouri's financial accounting system handbook. These include; salaries of supervisors, expenses of supervision, instructional supplies upkeep of apparatus, instructional apparatus, and a few more. The publication also indicates that audio-visual materials, considered instructional supplies in Missouri, are properly charged to text-book funds or incidental funds, both of which are created by section 165. 110. Building changes and equipment are charged to capital outlay of the building fund, and salaries of certificated personnel are charged to the teachers' fund, also created by section 165.110.

The magazine at page 14 states that the financing of school instructional programs is primarily the responsibility of the local school board, and is accomplished mostly by local taxes. Other sources listed are federal funds from the NDEA, research grants, direct State aid, school bond funds, and cooperative financing by several Districts.

Certificating Teachers and Accrediting Schools

The Missouri School Laws provide that there are three sources from which teaching certificates may issue. Section 168.010 indicates that one of these sources must provide the certificate or no teacher may be employed.

Section 168.030 lists the State Board of Education as having the sole authority to issue certificates to teach in all the public schools of the State. Also it states that State-supported Teacher Education Institutions may issue either an elementary or secondary life certificate to each person who receives a Bachelor of Science in Teaching. The third source of a teaching certificate is the County Superintendent. He is only authorized to grant a third gradecounty certificate. According to the 1961 Administrator's Handbook, this is a license to teach only in county elementary schools. In issuing the certificate, he is directed to pass on the moral character and requirements of the applicants by section 168.070.

Section 168.040 lists the grades of certificates and explains the dates of the examinations, which are to be conducted by the County Superintendent, according to questions prepared by the State Board of Education. The State Board also determines the rules and regulations of the exams.

The 1961 Administrators Handbook lists the certificate requirements on page 104. It also gives directions on how to apply for a certificate on page 109. The Director of Certification of the State Department of Education is the agency who considers the application.

The general grant of authority in the area of school grading is found in section 163.010, which states that the Board of Directors or the Board of Education of the School District have the power to make those rules and regulations needed. The section of Supervision within the Division of Instruction of the State Department of Education, according to the 1961 Administrators Handbook, only provides for consultative services.

The County Superintendent is directed by section 167.070 to adopt a plan for grading the schools in his County and then send a copy to the State Board. Other than this, the Laws are not very specific. However, the 1961 Administrators Handbook again is of great assistance. On page 124 begins a discussion of Classification and Accreditation of the schools. It indicates that the public school Districts are graded on the basis of two plans devised by advisory committees of school administrators and teachers, working in cooperation with the State Department of Education. On page 164 the Handbook distinguishes the general public school system from those schools in the three-director and six-director elementary districts. It is the latter which are the primary responsibility of the County Superintendent. The Handbook explains that the County Superintendent incooperation with the local district board, teachers, and others interested in the welfare of rural children evaluates the schools and recommends the classification to the State Department.

On page 168 the Handbook states that the legal requirements and the implementation of the total educational program are the responsibility of the section of Supervision.

Library and Research Programs

Chapter 182 is concerned with County and City libraries. The libraries included here arenthe free libraries. The sections provide for the creation of libraries, their boards of trustees, their powers, and finances.

Section 160.180 creates a State Library Board of five members, four appointed by the State Board, with the State Commissioner as ex-officio chairman. According to section 160.190 the Board is to select, classify and recommend a list of suitable books for school libraries, supplementary reading, and school reference books. The Laws do not indicate who choses the books for the different schools.

Chapter 181 is concerned with the State Library, which according to section 181.030 is organized into a public library and adult education service, school library service, institutional library service, and a public documents service. Its duties are to furnish library service to public and school libraries and to all communities which may propose to establish libraries,,to serve as a clearing house on library professional problems, purchase and operate libraries, and constitute the agency for receiving grants from the United States. This language is all found in section 181.030.

Section 181.011 creates the State Library Commission of six members, four appointed by the Governor. The Commissioner of Education and the librarian of the State University are ex-officio members. According to section 181.021 the Missouri State Library is under the control of this Commission, and operated under rules and regulations promulgated by the Commission.

In Chapter 182 is a discussion of County and City Libraries. Section 182.050 provides for the County library boards and their membership, which includes the County Superintendent and four others appointed by the County Court. Pursuant to section 182.060 the Board is to make and adopt such bylaws, rules and regulations for their own guidance as may be expedient, so as not to be inconsistent with the law.

When any city establishes and maintains a library, the mayor is directed by section 182.170 to appoint, with the approval of the legislative branch of the city government, a library board of nine trustees. A similar power is granted to this board in section 182. 200, as is granted to the County Library Boards.

In those cities in the first class section 182.310 creates a public library. It also directs the mayor to appoint a board of nine directors. Their powers are listed in section 182.340 Sections 182. 410 and 182.440 provide the same for cities with over 300,000 people.

Museums and Memorials are provided for in Chapter 184. Also a State Historical Society is established in Chapter 183. These come closest to any research program.

Advising Subordinates on the Use of A-V Aids

According to Publication No. 21-H 1961 Tentative Report on Audio-Visual Instruction at page 9, the Superintendent pursuant to his authority to consider and meet current and future needs of education is to provide adequate facilities, personnel and materials. This is a somewhat broad interpretation of the power given to a County Superintendent, for example, as in section 167.040.

The publication also sets out a staff headed by a Director of Audio-Visual Education or an Audio-Visual Supervisor. Below this, on page 11 the magazine also encourages schools to have an Audio-Visual Coordinator. It is especially important that the Coordinator help and train teachers to use the materials and equipment.

Prescribing Qualifications for Personnel Using A-V Aids

Section 163.010 grants to the Boards of Directors or Boards of Education in the different Districts to make all rules and regulations needed for organizing, grading, and governing their schools. This appears to be sufficient for training in the area of A-V Aids.

In Publication NO.21-H it states that that standards must be set for the use of A-V materials. Some of the important techniques need specific training. This may be acquired within the curriculum of teacher education. This area is presumably within the authority of the Boards in the Districts.

Beginning on page 9 is a list of recommended courses, proposed as regular college credit courses. Some of these course are recommended specifically for an Audio-Visual Building Coordinator or District Director. The lists ends on page 24 of the publication.

Selection of Text-books

In each County there is created by section 170.010 a County Text-book Commission. One member is appointed by the County Court, another is selected by the State Board of Education, and the remaining mamber, the Superintendent is the ex-officio president. They serve for terms of two years. It is the Commissions DUTY to adopt a uniform series of text-books from the authorized state list, pursuant to section 170.030. Only cities having more than one-thousand children of school age may have their books selected from the list by the Boards of Directors.

Section 170.120 permits the use of supplementary books as shall be furnished by the School District, at its own expense. The only condition is that these do not displace books regularly adopted.

Courses of Study

Section 167.070 directs the County Superintendent to adopt a course of study, subject to his sending a copy to the State Board. Other provisions of the Missouri School Laws involve specific courses like Physiology and Hygeine as in section 163.170.

In the 1961 Administrator's Handbookat page 191 it explains that the basic curricular services available from the State Department are consultative and supervisory in nature. However, the most effective unit in this area is the individual school faculty. Therefore, the Department, along with teachers, Supervisors, Superintendents, and Principals, develops curricular guides. Other informative discussions may be found on pages 111 to 117 and 121 to 124. Here the Handbook explains some of the courses which should be provided in both the elementary and high schools.

Selecting A-V Aids

Publication No. 21-H on Audio-Visual Instruction at page 27 begins a discussion on choosing equipment. It suggests that the Audio-Visual Director be charged with the responsibility of selecting equipment. It also points out that teachers, principals, and coordinators should participate in the decision also. The pages following refer to basic requirements of equipment in terms of their uses in certain environments.

Acquiring A-V Aids

The 1961 School Administrators Handbook at page201 indicates that audio-visual materials are an integral part of any instructional material program available for classroom use. In publication no.21-H at page 13 it lists items which should be included in school budgets. It states that audio-visual materials, which are considered instructional supplies in Missouri, are properly charged to text-book or incidental funds. Building changes and equipment are chargeable to capital outlay of the building fund. Salaries of certificated personnel are chargeable to the teachers fund. In this way the publication explains how the schools acquire audio-visual aids.

Distributing A-V Aids

In Publication No. 21-H on Audio-Visual Instruction at page 9, while listing the duties of the Audio-Visual Director, it includes the supervision of any distribution of materials. At page 11 the magazine also suggests that the Audio-Visual Building Coordinator should coordinate requests for materials. At page 49 there begins a discussion of Audio-Visual Materials Centers. On pages53and 54 is a list of the four basic organizational plans in Missouri. The first is called the Large School District Materials Center. It is a self-owned operation. The second type is the Cooperative Materials Center, which is most successful when the curricular offerings are nearly alike and the financial burden not too great. A committee assumes the direction through an administrator which it employs. Thirdly they have the State College Materials Center, which may be found in any one of the State Colleges. Although they are operated primarily for the colleges, they are also responsible for serving the schools and communities of their college districts. The final center is entitled the State University Materials Center. It is operated much like the state college centers, but provides a state-wide service. All schools in Missouri may rent materials from this center.

Producing A-V Aids

In Publication No. 21-H at page 59 begins a study on Planning Schools for Use of Audio-Visual Instructional Materials. Such topics therein are providing for projected visuals, controlling light, ventilation, selection and placement of screens, central sound system, acoustics, educational television, and using A-V materials in special rooms. This suggests that audio-visual equipment would be produced by the procedure through which the school buildings are constructed.

Organizing A-V Units

The Administrative Handbook on Audio-Visual Instruction, Publication No. 21-H is very helpful in this area. It sets out what is believed to be a satisfactory staff arrangementon page 9. That includes the Superintendent, an Audio-Visual Director, and an Audio-Visual Building Coordinator. On pages 9 throughll the duties of these officers are outlined. On page 19 it is suggested that the teacher, who is considered to be basic for the success of the system, be trained in regular college courses, along with the Director and Coordinator. The Publication then discusses what the courses should include.

Page 49 begins a discussion of the Instructional Materials Centers in Missouri, with their administration and duties.

Since the teacher is considered so important, the magazine launches into an explanation of how the teacher can utilize the materials on page 73. It is suggested that schools have organized student-assistant programs also. On page 81 are listed two plans for a student-assistant program. The first is the Club Organization Plan. The second is called the Class-section Representative Plan.

Regulating A-V Aids

The County Superintendent pursuant to his general duties in section 167.040 is expected to implement and supervise the administrative staff in Audio-Visual Instruction. In publication no.21-H on page 9 they state that the Superintendent with his Board of Education must consider all the problems involved in meeting current and future needs. Below the Superintendent is the Director and Coordinator, each of whom are encouraged to follow the duties enumerated on pages9, 10, and 11.

Most important of all is the teacher. In the publication is outlined a system through which teachers in all subjects may utilize audio-visual aids. This is found in Chapter seven at page 72.

Conferring on the Use of A-V Aids Outside the School System

The State Commissioner of Education, according to section 160. 100 is directed to attend and assist in meetings of teachers, directors, and patrons. On the local level the County Superintendent is directed to hold annually no less than six public meetings at different points to discuss educational questions, and counsel both teachers and school officers. This language is found in section 167. 070. In neither case does the Missouri Laws specify the people who might attend, or what may be transacted. Publication No. 21-H, the Administrative Handbook on Audio-Visual Instruction indicates that it is the Superintendent who initiates any program along these lines.

PRECEDING PAGE) MISSING - Parts I & II

State: Missouri

Source of information unless otherwise stated: Title XI, 1960 Missouri School Laws, 1961 Supplement

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

Sec. 166.030: "1. The board of directors or board of education [district level] shall have the care and keeping of all property belonging to the district and keeping of all property belonging to the district, and shall provide the necessary globes, maps, charts, apparatus, supplementary books, and other material for the use of the school. The board shall keep the schoolhouses and other buildings in good repair, the grounds in good condition....."

State: Missouri

Source of information unless otherwise stated: Title XI, 1960 Missouri School Laws, 1961 Supplement

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject.
Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes 2. Planning the use of AV aids
Secs. 160.090; 160.100; 166.030
Generally, Pub. No. 21H.

Yes 3. Preparing curricula

(a) Sec. 167.070, 163.170
1961 Administrators Handbook, pp. 111-117, 121-124, 191
Sec. 165.587(2)

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

(b) Sec. 167.040
Publication No. 21-H - Audio-Visual Instruction, an Administrative Handbook, page 9

Yes 5. Organizing AV units and cooperative activities

(a) Publication No. 21-H, pp. 49, 73, 81
9-11

Yes 6. Conferring on AV use outside of State educational structure

(b) Secs. 160.100, 167.070, Pub. 21-H

State: Missouri

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)

Publication No. 21-H, page 27
Sec. 165.587

Yes 8. Selecting textbooks (and observing academic freedom)

(a) Secs. 170.010, 170.030, 170.120
Sec. 165.587

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

1961 School Administrators Handbook, p. 201
Publication No. 21-H, p. 13
Sec. 166.030, Part III, supra

Yes 10. Financing acquisition by rent or purchase

Sec. 165.110
Publication No. 21-H, p. 13
Sec. 165.580; 166.200; 165.833

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel

Sec. 167.040
Publication No. 21-H, pp. 9, 10, 11, 72
167.080; 167.085; 165.673; 165.673(1)(h); 167.085

Yes 12. Distributing AV aids

Publication No. 21-H, pp. 9, 11, 49, 53, 54

Yes 13. Producing AV aids

Publication No. 21-H, p. 59

Yes 14. Certificating teachers and AV professionals

(a) Secs.168.010, 168.030, 168.070, 168.040
Administrators Handbook, 1961, pp. 104, 109, 124, 168
Sec. 168.120

Yes 15. Prescribing qualifications of using personnel

(b) Sec. 163.010
Publication No. 21-H, p. 9

State: Missouri

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

(a) Sec. 163.010, ~~167.070~~
Sec. 160.090(2)(8)

Yes 17. Building or remodeling schools to facilitate AV use

Secs. 165.490; 165.497; 165.530; 165.580; 165.597; 165.605

Yes 18. Federal aid to schools

(a) Sec. 12.070, 12.080
Public Law 874
Secs. 160.173; 181.021

Yes 19. State aid to schools

Ch. 161 generally
Secs. 161.025; 161.130; 161.031; 161.180; 161.697; 169.130

Yes 20. Private aid to schools

(a) Sec. 161.230, 165.367

Yes 21. Library programs

(a) Secs. 160.180, 160.190, 181.030, 181.011, 181.021, 182.050, 182.060, 182.170, 182.200, 182.310, 182.340 182.410, 182.440
Secs. 165.537; 165.540; 165.720; 181.021(8)

Yes. 22. Research programs

(b) Chapters 183 and 184

Yes 23. Institutes

Secs. 163.260; 167.070; 167.280

_____ 24. Other established procedures

2. Planning the use of AV aids

Sections such as 160.090 (Duties of state board of education) and 160.100 (Duties of the commissioner of education) provide general authority to conduct schools and "carry out the educational policiesof the state". Obviously, such powers could beinterpreted as broadly covering any program of AV material. However, no specific provisions with regard to AV material (except Sec 166.030 with reference to globes, maps, charts and apparatus, see Part III supra) exist in Missouri law.

However, Missouri does have an excellent publication entitled "Audio-Visual Instruction, An Administrative Handbook" Publication No. 21M, 1961 Tentative Report published under the name of the Commissioner of Education. This book is designed for Missouri teaching system, but does not refer specifically to any provisions of Missouri law which authorize the actions contemplated therein. Presumably, they are authorized under the provisions discussed in this Part.

What makesthe bookx so effective is the scope of its coverage. Its table of contents indicates that it covers planning for AV instructions, training AV personnel, indicating AV equipment and instructional materials, establishing instructional materials centers, planning schools for the use of AV materials, utilizing AV materials and a general evaluation. Such xx coverage cuts across each phase of this part and reference should be made to this publication for the topics listed. As mentioned above, it should be emphasized that the discussion appears to be general in nature adopting for use in Missouri, practices which experience has dictated would be beneficial to the AV program.

State: Missouri

PART IV - continued (5)

3. **Preparing currucula**

See old notes, subject "Courses of Study".
The superintendent of instruction for the board of education (St Louis City) has general supervision, ~~xxx~~ subject to the control of the board, over the courses of instruction, textbooks and studies. (Sec. 165.587(2))

7. **Selecting AV aids**

See Sec. 165.587 below

8. **Selecting textbooks**

See old notes, same subject

The introduction and changes to textbooks and apparatus is made upon the recommendation and approval of the superintendent of instruction and city board of education respectively. Sec 165.587 (City of St Louis)

9. **Acquiring AV aids**

See old notes, same subject

See Sec 166.030, Part III, supra.

10. Financing acquisition by rent or purchase

See Sec 165.580, note 17 infra.

Sec 166.200 provides for the right of the school board to sell sixteenth section school lands. Funds placed to credit of building fund of such selling district.

Sec 165.833 (new in 1961), authorizes sale or lease of school property by district when not required for school use. Applies to facilities for education beginning 12th grade; sale or leasemust be to institution of higher education. Proceeds go to building fund of district.

11. Regulating use of AV aids

Sec 167.040 generally requires the county superintendent to inspect schools, note the condition of "apparatus" and report to board with suggestions asto improvements which should be made.

Sec 167.080 provides for the county superintendent to provide the board with "educational statistics" of the county although such statistics are not spelled out.

Under Sec 167.085, the county superintendent must prepare a report for the county board of data under Sec 165.673. This includes questions regarding the adequateness of facilities for pupils (165.673(1)(h)). Sec 167.085 also requires him to provide "such other information ashe may deem advisable for successful planning and improvement of the schools of the county."

14. Certificating teachers etc.

Teacher-training courses are authorized. Sec 168.120. The state board prescribes the conditions for admission to the teacher-training classes and coursesof instruction.

16. Accrediting schools

Sec 160.090(2)(8) relating to the duty of the state board of education provides as follows:

> "Classify the public schools of the state, subject to such limitation as may hereafter be provided by law, establish requirements for the schools of each class, formulate rules governing the inspection and accreditation of schools preparatory to classification ***"

17. Building or remodleing schools to facilitate AV use

In school districts of 75,000 - 700,000, the board of directors may increase the tax levy or borrow moneyx to purchase sites for building schoolhouses or to repair school buildings (165.490, 165.497, 165.530)

In districtsxx over 700,000 (St. Louis city), the board of education has the power "to build and construct improvements for such purposes and to sell the same" (165.580)

St Louis- Board of education appoints a commissioner of school buildings. He prepares drawings and specifications for repair and construction of all buildings. (165.597). The board is authorized to borrow money to erect schoolhouses, furnish them and buildxng additions thereto. (165.605).

18. Federal aid to schools

Sec 160.173 indicates that the state board is designated as the Missouri State agency for Surplus Property and can acquire and distribute federal surplus property. Sec 181.021 states that the State Library commission is authorized to receive grants from the U.S.

State: Missouri

PART IV - continued (8)

19. State aid to schools

Ch 161 covers state support of schools.

Sec 161.025 provides for the eligibility requirements. (It is noted that a tax rate of at least $1.00 must be levied to qualify for state aid). Sec 161.031 setsforth the m computation of the equalization quota. Sec 161.130 authorizes state building aid to pay 1/4 cost of building and equipment but not more thatn $2000.00

Sec 161.180 creates a state public school fund which includes all moneys donated to the state for public school purposes.

Sec 161.697 provides for state aid to enlarged school districts under reorganization for the erection of school buildings or additions made necessary by reason of such reorganization. The aid isnot to exceed $20,000 but may be up to 1/2 the cost. Building plans must be approved by the state board of education.

Sec 168.130 provides for state aid of $1500 per year for public high school teacher training programs. Under Sec 181.060 state aid to public libraries is authorized.

21. Library programs

See old forms same subject generally.

Board of directors of school districts of 75,000 - 700,000 has the power to establish and maintain a library for use of the school district and the power to appropriate money for the support of the library. Sec 165.537. Under Sec 165.540, the board may build a public library. A library building tax is authorized under Sec 165.720 by the board of directors of the above school district for the furnishing and erecting of a library.

Sec 181.021(8) establishes a state library commission with the power to purchase library materials and to circulate them.

23. Institutmes

Under Sec 163.260, teacher training institutions are established to provide courses in physical education. Sec 167.070 provides:

> "The county superintendent shall hold annually not fewer than six public meetings at different pointsin the county for the purpose of discussing educational questions, *** counseling with teachers and school officers, and promoting the cause of education among the people, ***"

Under Sec 167.280, the county superintendent may organize a county teachers' association. This is a 3 day meeting in Sept, or Oct, or Nov, or Dec of each year. He arranges the program of exercises.